

STATES OF JERSEY

OFFICIAL REPORT

MONDAY, 15th DECEMBER 2008

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The Roll was called and the Dean led the Assembly in Prayer.

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

1. Appointment of Chairman of the Corporate Services Scrutiny Panel:

The Bailiff:

We proceed now with the election of the Chairmen of Scrutiny Panels.

Connétable M.K. Jackson of St. Brelade:

I have pleasure in proposing Senator Ferguson for the position of Chairman of the Corporate Services Scrutiny Panel.

The Bailiff:

Is that proposition seconded? **[Seconded]** Are there any other nominations for the chairmanship of the ...

Senator A. Breckon:

Could I propose Deputy Southern?

The Bailiff:

Deputy Southern is proposed by Senator Breckon. Is that nomination seconded? **[Seconded]** Sorry. Who is seconding? Deputy De Sousa. Yes. Are there any further nominations for the chairmanship of the Corporate Services Scrutiny Panel? Very well. Well, I invite Deputy Southern to retire to the other room, and I call upon Senator Ferguson to address the Assembly.

1.1 Nomination - Senator S.C. Ferguson:

Senator S.C. Ferguson:

Scrutiny is an extremely important part of our government. It is absolutely essential for open and transparent government. It has not been established to act as an opposition or to form alternative policies. It is there to question the quality of the Minister's decision. As the former Chairman of the Audit Commission said: "The role of Scrutiny is not the role of opposition. Scrutiny should focus on ensuring that the policy has been properly formulated, all alternatives properly addressed, and valid reasons given for why particular courses of action have been followed. Scrutiny should be addressing the quality of the decision-making, rather than the decision itself. It is vital that Scrutiny Panels do not become the opposition." I repeat: "Scrutiny is not opposition." It is, as Clothier said, there to act as a critical friend. It is there to hold the Ministers to account, and is based on clear evidence. If parties wish to set alternative policies, then these should be brought openly and transparently to this House as propositions. That is the proper parliamentary procedure. Scrutiny must not be used for the purpose of opaquely sliding alternative policy into place. With a new Council of Ministers and a new Strategic Plan in the offing, the quality of independent, fair-minded Scrutiny as supplied by the Corporate Affairs Scrutiny Panel, is even more important. It is essential that the Scrutiny provided should not be adversarial. Fair and outspoken, yes; but not for the purpose of political point-scoring. Former Deputy Patrick Ryan brought these qualities to the Corporate Affairs Scrutiny Panel. I would seek to continue that approach. It certainly set the standard for an effective Scrutiny Panel. I have often said in this Assembly that the most effective Ministries are those who work constructively with Scrutiny. Conversely, the most effective Scrutiny Panels are those who work constructively with the Minister. Scrutiny members sit on more than one panel. This cross-fertilisation of ideas and knowledge within Scrutiny is invaluable. No working in silos, here - perhaps a lesson for the Council of Ministers. The Chief Minister's Department and the Treasury provide a wide portfolio of areas to scrutinise: financial and economic policy, property management, strategic policy, international affairs, human resources and employment policies, I.T. (information technology), pensions, procurement, the Population Office, the change programme, taxation strategy. This is where my very broad experience will come in

most useful. Corporate Affairs has also established a Financial Policy Sub-Panel which has worked extremely well, and there have been designated groups to maintain a watching brief on particular departments. This process lends itself to the establishment of sub-panels for particular reviews. These sub-panels will cover specialised areas which would, I hope, attract Members interested in, for example, I.T. or human resources. There is an extremely useful report on improvements to be made in the review of the Corporate Financial Strategy by the Council of Ministers. The Sub-Panel has completed the first of their intended reports, that on forecasting, which is absolutely magnificent. Other topics: decoupling pay rewards from G.S.T. (Goods and Service Tax), risk mitigation, 3-year financial planning - these remain to be reported on. The 3-year planning is very important, particularly when coupled with the fact that budgets are not taken seriously within the States, and G.A.A.P. (Generally Accepted Accounting Principles) accounting will provide clearer budgetary figures. We are, in fact, part way along the road to put a 3-year plan in place. The Business Plan for 2009 gives a cash forecast for 2010. The States is required to comply with this cash forecast in the 2010 Business Plan. Consequently, I think that 3-year planning should take high priority within the sub-panel's work. Risk mitigation is an important ancillary to this, and should perhaps be considered at the same time, or immediately afterwards. There is also an extremely useful framework for the review of the Business Plan. I would intend to build on this to review the Strategic Plan which will have to be pretty quick, because the first draft Strategic Plan has got to be submitted to the Council of Ministers by 13 January. So, we are going to have to hit the ground running. The Business Plan framework will be extremely useful for the other Scrutiny Panels when looking at the business plan and budgets for their departments. There has been a practice of regular meetings with the Ministers, but I would want it more frequently than 6 months, particularly with the Strategic Plan and the tight timetable. It is during this period that the overall policies for the States for the next 3 years are formulated, and it is essential that Scrutiny is in there fast. I.T. is a very significant department, and I would expect to see it figuring strongly in the Strategic Review. I think I.T. is important because it seems that each department is clinging to some independence in this area, which is not the way it was planned. This would also complement review of the progress of the change programme, and whether the policy set out by the States some years ago is being followed. Property Management, another area which is part of the Treasury Minister's remit. There has been a lack of clear policies over the past few years, and it has led to the apparent catch-up process, particularly with regard to the maintenance programme. Where are the property policies? I understand there are policies under review with regard to the location of States Departments - a central location. This will also have to be looked at. Although the biggest part of States expenditure is on staff, the various human resources policies have not always received the attention which they should. An important one is a proper whistle-blowing policy. We have seen how this has not functioned over the past couple of years, and it is time we had a modern management approach in this regard. Similarly, our complaints policies, whether with the public or within the States. When I was on the Health Committee, we installed what should have been a good complaints policy. I understand that its operation has been less than satisfactory. Why is it not working? It could not possibly be that civil servants do not like to admit they are wrong, can it? The Migration Policy is another one that needs particular attention, particularly in this time of financial upheaval. This will tie-in with scrutiny of the residents registration law which is currently being drafted. One of the strengths of the private sector is that there are suggestion schemes. It is my experience that the best methods for improving the operations of an organisation come from the people on the front line. Why have we not got a central policy on this? The whole policy on pensions, voluntary redundancies, and voluntary early retirement must also be examined. This has been abused over the past few years since it has been used as a method of persuading people who are not performing or whose face does not fit, into leaving the organisation. It is entirely correct the Assembly should ask what I can contribute to this. Apart from impartiality and common sense, I bring an undergraduate degree in electrical engineering, and 5 years of working in heavy manufacturing industry. I followed this with a master's degree in business administration from Columbia University in New York, majoring in finance, accounting and marketing. I was a

member of the Chartered Financial Analysts' Society and of the Compliance Institute. All this I have utilised during some 30 years in the finance industry as an investment analyst, as an auditor, as a compliance manager, not to mention as a banking regulator with the J.F.S.C. (Jersey Financial Services Commission). The previous panel laid some very good foundations for future work of the panel ...

The Bailiff:

Thank you, Senator. Now I invite questions of Senator Ferguson.

1.1.1 Deputy M. Tadier of St. Brelade:

I thank the Senator for her speech there. I wanted to draw out one of the points about opposition which seemed to figure very heavily at the beginning of your speech. Very simply, I would suggest that being in opposition need not be a reason to exclude an otherwise very capable or effective politician from leading a Scrutiny Panel. Do you accept the charge that also being too close ...

The Bailiff:

Through the chair, please, Deputy. Through the chair.

Deputy M. Tadier:

Sorry. Does the Senator agree that there is also a risk of being too close to Ministerial policy which could also act as a blur to clear vision?

Senator S.C. Ferguson:

It obviously depends on the character. I have a reputation for fairness and impartiality. I will give any Minister a hard time. But I do not believe that Scrutiny is opposition. I would perhaps refer the Deputy to the workings of the U.K. (United Kingdom) Parliament. If any of the new Members have not seen this, I recommend they look at the television recordings of hearings. There are Select Committees which will look at matters of public interest - these are cross-party, these are balanced - and then policy matters are debated on the floor of the House of Commons. I have no doubt that Deputy Le Hérisier will be able to put me right on the details of the constitutional matters, but policy matters - different policies - come to this Assembly. They do not slide in as alternatives in Scrutiny reports. I think we must keep this distinction absolutely clearly in our minds. Otherwise, Scrutiny is not doing what it should do. To some degree, Scrutiny has links to the old committee system, in that in the committee system you had 5 critical friends sitting round the table with the president of the committee. Here you have 5 critical friends who are holding Ministers to account in public, and this is where the transparency and accountability comes. The Minister has to answer the questions in public.

1.1.2 Deputy J.A. Martin of St. Helier:

It goes back to the Senator's description of what she thinks Scrutiny is. Firstly, could she refresh my memory and remind me what Scrutiny Panels she has worked on, and the difference between being opposition and leading? As the Chief Minister as already said, we should be much more inclusive, working with Scrutiny in policy in formation. Now, how can she marry her vision for her Scrutiny with the same as the Chief Minister?

Senator S.C. Ferguson:

I do not say that my vision of policy is the same as the Chief Minister. I have got an extremely broad experience of working with budgets and policy, and reporting, in a wide range of industries. This, I feel, stands me in very great stead for this. I have worked with Scrutiny Panels. There was the one under Deputy Pryke, with regard to long-term care for the elderly - the original one. The Howard Davis Farm decision was, in fact, one of those areas where Scrutiny and the Public Accounts Committee overlapped. But I think it is an ability to take the broad view. It is an ability to think laterally. It is an ability to think what is best for the Island. I have no political axe to

grind. What I want for the Government of the Island is what is best for everybody in the Island. I feel passionately about this.

1.1.3 Deputy D.J.A. Wimberley of St. Mary:

I want to go back to this issue of policy. The candidate said that Scrutiny was not really engaged in developing policy, and then she mentioned 3 policies in a row which she would like to see something done about, or even to exist: a proper whistle-blowing policy, a proper complaints policy and something to do with the Migration Policy. I am confused here, because are we going to wait until the C.O.M. (Council of Ministers) come up with these policies and then criticise them, or are we going to be a bit more proactive in Scrutiny? Linked to that, the Scrutiny report on income support accepted the goals of income support and then pointed out that they were severely flawed in the implementation. I find that the relationship between policy and implementation is quite blurred when you are dealing with a major matter like income support which took 10 years to develop. I would like the candidate to comment on those 2 issues which are related.

Senator S.C. Ferguson:

The whistle-blowing policy already exists within the States, but it has not been working - which has been quite obvious over the last few years. Scrutiny will look at a policy that is in existence and will take evidence as to how well it is working. If it is not working, it will bring that evidence to the attention of both the public and this House. Scrutiny does not devise policy. Scrutiny should not be saying: "That policy is wrong. You should be doing this." Scrutiny will say: "That policy is fine, but you need to do this and that to make it work better." It is a critical friend, as Clothier said. If I wanted to produce policy, I would perhaps have stood for Chief Minister. The question of income support: yes, it was a very good report on the Income Support Policy, but there are practical limitations in applying policy. There are financial limitations, and when you are applying policy you have got to look at the limitations as well. But, yes, I throw in the odd idea about policies I would like to see in place. It does not mean to say I will go and use the panel to bring that into place. I would expect to bring, for instance, the suggestions box type of policy in. I would bring a proposition to this House. In fact, I think I am probably going to.

1.1.4 Deputy T.M. Pitman of St. Helier:

I apologise if I misunderstood what the Senator said, but I believe she mentioned the pension process and it being abused to encourage people to leave. If that is what the Senator said, could she just explain it for comparative political virgins like me because I did not quite get it?

Senator S.C. Ferguson:

Very often, if somebody's face does not fit or they are not performing, or somebody decides that they do not like them any more, they will be encouraged to leave under the voluntary early retirement process. Now, under that, they will be taking pension early. That is a drain on the Pension Fund, and it is not the proper use. The whole policy needs to be reviewed, just as many of the H.R. (Human Resources) policies need to be reviewed. I mean, I have touched on a few. Members have seen from the breadth of departments covered by the Corporate Services Panel - by the Chief Minister and Treasurer's Department, and hence by the Corporate Services Scrutiny Panel - it means that there is an incredibly wide brief, and there will have to be careful prioritisation. I am concerned that Human Resources policies have not been, perhaps, given the attention they should, because, as I have said, 50 per cent of the States expenditure is on staff, and they are our most valuable resource. If things are not working properly, then we need to look at it. This is, in effect: "How is the Human Resources policy working?"

The Bailiff:

Can I once more encourage the candidate and the questioners to be succinct, please?

1.1.5 Deputy P.V.F. Le Claire of St. Helier:

Would the candidate please enlighten us as to why she is going for this position? While I have every confidence that she is very capable of conducting this position, I am just a little intrigued as to why somebody who just recently was so successful in an Island-wide election was not offered a position, or perhaps turned down a position, as an Assistant Minister?

Senator S.C. Ferguson:

My particular skills lie in investigation and reporting. It is fairly clear from my C.V. (curriculum vitae) that most of the work I have done has, in fact, been investigation, reporting, thinking laterally, looking at overall policies for business, overall policies for economics, and this is where I feel I can make most contribution to the running of the Island. I really do not care about having my name up in lights. I want to leave this Island a better place than I found it. I think it is pretty good, but I want to leave it better.

1.1.6 Deputy R.G. Le Hérisier of St. Saviour:

The candidate took over the Chairmen's Committee of Scrutiny at a very difficult time. Would she tell us, in chairing that Committee, what lessons did she learn about how Scrutiny could be improved?

Senator S.C. Ferguson:

I think the first thing is to educate the Council of Ministers into what Green Papers are and what White Papers are. **[Approbation]** There seems to be a certain amount of confusion. We did establish a good conduit for discussions on matters that were causing problems to Scrutiny and the Council of Ministers, as the Deputy will remember. We met regularly with the Chief Minister and discussed the problems. I think probably my biggest success was making sure that the meetings started at 9.30 a.m. and finished before lunch, instead of going on until about 3.00 p.m., which I felt was a better use of Members' time.

1.1.7 Senator B.E. Shenton:

The finance industry is evenly split on whether Jersey should sign a T.I.E.A. (Tax Information Exchange Agreement) with the U.K. Will the candidate investigate this, and how will she go about this investigation?

Senator S.C. Ferguson:

Well, how does one go about an investigation? First of all, you discuss it with the panel, and then obviously you discuss it with the Minister, and then you start the normal Scrutiny process. Something like this, which is so essential to the Island from the point of view of transparency and accountability, is also very sensitive, and it will have to be handled sensitively, and one will need to consider all the points of view. I do have sufficient experience, both in regulation and as a practitioner in the industry, to understand the concerns from both sides, and I think, provided it is handled in a sensible and sensitive manner, then I do not see any problem with this.

1.1.8 Deputy C.F. Labey of Grouville:

What priority would the Senator give to scrutinising the Population Policy?

Senator S.C. Ferguson:

I think that will fit very well with the fact that the registration of residents law is due to come before this House possibly later this year. I think it is essential to look at the Population Policy, the Migration Policy. I think there will be a lot of changes in the way the population works at the moment, because of the financial upheaval that is going on. But, yes, I think it is extremely important. We cannot just close the doors on population. But obviously there are strains on the infrastructure with an increasing population. I think it is an important policy. I think it needs to be looked at, and I think it will need to bring in other panels as well, in order to do it justice. This is one of the topics, I think, that would lend itself to a sub-panel.

1.1.9 Deputy A.E. Jeune of St. Brelade:

Does the Senator believe it would be within the role of Scrutiny to be looking at what departmental areas are core, and what is non-core and could be outsourced if it were to be more efficient and effective, and recommend accordingly?

Senator S.C. Ferguson:

Yes. I am not sure that all of that would fall within the remit of the panel. There is no real policy at the moment for outsourcing. I think it is possibly an area that the Public Accounts Committee would look at, and then it might be that Corporate Services will look at the overall policy aspect of it - the Public Accounts Committee follows-on everybody. The Scrutiny Panels are looking at policy, the high-level area. Members will be getting a copy of the Code of Practice at some stage, and I would recommend they look at Appendix 2, which distinguishes between P.A.C. (Public Accounts Committee) and Scrutiny, because Scrutiny is always very much at a high level. It looks at the budget. It does not look at the nitty-gritty at the bottom. P.A.C is nuts and bolts; Scrutiny is about high level budgets and the Strategic Plan, and I think the Strategic Plan, for instance, is going to be the most important thing over the next few months.

1.1.10 Deputy M.R. Higgins of St. Helier:

During the recent Senatorial elections, the candidate was considered by many as a very close supporter of the Council of Ministers, and by some as an apologist for them. How can she reassure doubters as to her independence to properly scrutinise her policies and actions?

Senator S.C. Ferguson:

The Deputy should know me well enough to know that if I disagree with somebody I say it. I do not sit there mutely and agree. Although I have in the past agreed with the Council of Ministers, it does not say I will in the future, but one agrees on certain aspects and disagrees on other. For instance, there has just been lodged a proposal to allow dormant accounts from banks to be closed, put in a central pot and distributed to worthy causes by the Council of Ministers. I think that is theft. I do not agree with that, and I shall be speaking against it. I do not think anyone could say that either I was a pushover or that I was a mute supporter of the Council of Ministers. I have questioned their policies. I have questioned their actions. Certainly we have given departments a very hard time. The Deputy should know me well enough to know that if I disagree, I disagree and I say it.

1.1.11 Senator A.J.H. Maclean:

Could the candidate give us some indication as to whether she would accept a place on the panel should she not be successful in this election?

Senator S.C. Ferguson:

I will go wherever people think I will be most use. My intention in being elected to the States was to do the best I could for this Island. I have said it once; I will repeat it. I want to leave this place better than I found it. So, I will go where I am needed.

The Bailiff:

Do any other Members wish to put questions to the candidate?

1.1.12 Deputy M. Tadier:

It is more of a philosophical question coming back to what the Senator said before, if I may. What would the Senator do if information she received from Scrutiny was in direct conflict to the policies that only came about through Scrutiny? So, in other words, if the Senator found out that the policy was in fact flawed, what would her course of action be?

Senator S.C. Ferguson:

If it is flawed, it is a matter of public interest and it should be brought in the first instance to the floor of the House.

The Bailiff:

Thank you, Senator. I ask Senator Ferguson to withdraw to the other room. I call upon Deputy Southern to address the Assembly.

1.2 Nomination - Deputy G.P. Southern

Deputy G.P. Southern of St. Helier:

As we say in bridge circles: "Always get your trumps out first." So, laying my trumps fairly obviously on the table: experience, 5 years' worth of experience in Shadow Scrutiny, before Scrutiny. Hard work; nobody can deny me that; and also a team builder. An excellent team that I have been working with where we share decisions very clearly. For those who may be in any doubt whatsoever, I believe and have believed for the past 5 years, that Scrutiny is the vital part of Ministerial Government. Without robust and effective Scrutiny, the reputation of Ministers and the reputation of this House falls away. We have to have effective Scrutiny of Ministers; we have to hold them to account, and it is the responsibility of this body, this Assembly collectively, through the Scrutiny arm that does that. So, for those who are new to the game, what is Scrutiny about? It is very simple, although there are various approaches. Scrutiny is about the hearing of evidence, the examination of evidence in public. Those 2 elements must always be to the forefront. It is not about opposition and it is not about formulating alternative policies. It is about examining the evidence that supports or fails to support a particular decision or set of decisions or policies by the Ministers. It takes place in public. Wherever possible it is a public hearing so that people, ordinary people in the street, get to find out the evidence and what has been going on. That is the vital second element. Now, some other Scrutiny Panels have decided that from time to time or even on a fairly regular basis, to hold their meetings in private. I do not believe in that and wherever possible I shall be holding public meetings. There are 2 approaches that have developed nationally and locally in Scrutiny. One I call the parliamentary model based of the select committee - the national government - which is fairly adversarial. If you go before a select committee you know you have been quizzed and that is my attitude. The other has come through local government and is far more consensual and often co-operative. But the key to that is the early release of policy information and joining together to say: "We are thinking of doing this and it is only at the thinking stage, come and co-operate and let us see if we cannot get together on this to agree." But that relies on openness, complete absence of secrecy and a willingness to co-operate. Some Ministers have found perhaps a way to do that, but it is far from universal. Far, far from universal. In fact the biggest problem about Scrutiny is getting hold of information. We face serious problems in getting information, I believe, in this system. We have to make more progress in terms of access to the information that underlines decisions. In the old committee days it was fairly straightforward, committee meetings and decisions were always rigorously minuted, either under Part A or Part B and it might be a slog to go through those minutes to find what you are looking for but you could almost guarantee finding it. What is happening nowadays under Ministerial is that those, what used to be committee meetings, do not take place. You may occasionally see a decision with a justification published and you can see what is happening but that has been dependent on a briefing prior to that and a briefing prior to that and a little short meeting prior to that, which you do not get minuted. Now, it is vital that we look at that whole process and see if we cannot open it up. Experience, 5 years' worth, and product. Excellent reports, I believe I have submitted. The one I am most proud of, Jersey Telecoms where what looked like a good idea to start with, as we picked at it with the right expertise, with the right adviser ... and advisers, again, I always tend to look towards academic advisers, you know that they come to you with balance and with an academic rigour and their reputation in their hands. You get excellent value from them. J.T. (Jersey Telecoms) persuaded the Minister for Treasury and Resources ... well, perhaps persuaded a number of Members who were then sounded out by the Minister for Treasury and Resources over his proposition and he found that

he was likely not to get it through because there was sufficient doubt. Imagine today if Jersey Telecom were in the hands of private equity with the credit crunch we are suffering. It does not bear thinking about. We could not predict it then but nonetheless. Has J.T. gone down the pan as was threatened? No, it has not. It is still making healthy profit, it is still competing, look at the queues. Look at the queues. We were right. Retail. The retail survey I did. Again, I believe I was right based on a theory that competition is beneficial to all and that 3 is better than 2, evidenced by the Isle of Man where the third operator, sorry to say it, is going down the pan. It is going to be 2 shortly. Where was the evidence? The price of food - Isle of Man/Jersey comparison - when you do it there are 3 operators charging more than here. So the evidence was not there. Needs careful examination. Where also have I been? I have been working on other panels, apart from my own Economic Affairs, which I have chaired. Income Support: again using the right expertise, producing a report which was highly effective but which shamefully, oh dear, and the ex-Minister is not in the room, was ignored. Ignored and the problem still goes on. Where else have I been? I have been looking at migration and population. I was looking at migration and population 5 years ago. I have looked at it since and unfortunately the names and address register seem to again have disappeared into the sand. It has taken 2½ years to get there. The Migration and Population Sub-Panel is twiddling its thumbs waiting for something else to happen. But that is an area that I now wish to examine. So why Corporate Services? I think my record says that I am the most experienced scrutineer in the House. I have done 3 years at Economic Affairs; my energies there are somewhat waning but a fresh area I need to look at now - want to look at - the most responsible area that I need to look at is the Chief Minister and the Minister for Treasury and Resources, given events of recent times. That is the big job that I want. I hope you will support me in producing robust effective scrutiny of the Chief Minister and the Minister for Treasury and Resources by voting for me.

The Bailiff:

Thank you, Deputy. I invite questions. Deputy Le Hérissier.

1.2.1 Deputy R.G. Le Hérissier:

The candidate has placed much emphasis upon the stalling or aborting of the move to privatise Jersey Telecom. Although that result was achieved, would he not say that the focus should have been upon the efficacy or otherwise of competition policy and once that genie had been let out of the bottle, that was the issue?

Deputy G.P. Southern:

Indeed. Despite philosophical and political differences between the Minister for Economic Affairs of the time and myself, we both, in the light of the evidence came to that same conclusion that what we needed to do was examine the regulations and the control of the Competition Authority in order to produce an effective market. Again, it comes back down to that application of competition policy to a small economy. Often regulation is the way forward and getting the right regulation is the way forward in a small economy. That is a lesson that, I think, might not have been completely learned but we are on our way to learning it in Jersey.

1.2.2 Senator B.E. Shenton:

Does the candidate believe that the Ministers should abstain in the vote for Scrutiny Chairman as they may be inclined to vote for the weaker candidate?

Deputy G.P. Southern:

The Senator puts into somewhat different words - and I wish I had a copy of Hansard with me - a point I made 3 years ago that in fact without stating baldly, as he did, that they may be tempted to vote for the weaker candidate the appearance or the potential of the ability to put your best mate in to look after and hold you to account is possible and therefore, yes. Longer term and certainly I

would see that the responsibility for Scrutiny lies with the rest of the House and not with Ministers. So in that case, that principle, yes, it would certainly apply.

1.2.3 Connétable J. Gallichan of St. Mary:

I am not quite used to the new title. The candidate reported that he thought Scrutiny should be in public as often as possible but also lamented his previous experience of not being able to get access to information as early as possible. Does he accept that policy in formation is often an extremely delicate matter and can he assure the Assembly that for confidentiality and secrecy - of course not being the same thing - he recognises the difference? Does he acknowledge that a great deal of early co-operation with Scrutiny must rely on confidentiality being guaranteed?

Deputy G.P. Southern:

Absolutely. My own personal record stands without blemish. I have maintained confidences all the way through whenever we have been asked to maintain that confidence. I believe the reputation of Scrutiny stands fairly unblemished as a whole. I think the score is, unless somebody will correct me, that in terms of leaks it is Ministerial 4, Scrutiny 0.

1.2.4 Deputy P.V.F. Le Claire:

I would like to put a difficult question to the candidate. I think it is important. As a member of the sub-committee or panel that was tasked to scrutinise the implementation of the migration policy the Deputy opted out of that process at an early stage. Can he give his reasons as to why he did so given that it is such an important issue, especially as he has just now said that it will be something he will concentrate on? How can he assure us that in the future he will not duck this issue as he has done in the past?

Deputy G.P. Southern:

Could I seek some clarification on the question? When and where did I duck out of following through on migration? That is simply not the case.

Deputy P.V.F. Le Claire:

The point I am making is in discussions with the Deputy in the past I asked him where the policy was being scrutinised from and he told me that he had not attended the meetings after they had begun because it had seemed from the outside they were a done deal. I am asking if, in the future, he is going to scrutinise this important area, will he stay the course?

Deputy G.P. Southern:

The Deputy asks a mistaken question because he may be under that impression that I have ducked out but that is simply not the case. The fact is that with the latest migration and policy review it has run into the sand. It is going nowhere. There was nothing further to investigate and it is all in suspension while we come up with a report after 2½ years for a simple name and address register, once we had pointed out - and we had to do it 3 times over a number of months - that in fact the approach that was initially taken ran into data protection problems from the very beginning and it took a good 6, 9 months for them to change direction, accept what we were saying that they were going down the wrong direction and they finally changed. That is one of the reasons why there has been delay because they set off on the wrong route and they had not consulted data protection. That was what we brought to them.

1.2.5 Connétable J. L.S. Gallichan of Trinity:

Does the candidate consider the Tax Justice Network to be objective and impartial?

Deputy G.P. Southern:

Of course not. I was tempted last night while I was thinking about how to approach my speech today, by making a cricketing analogy and one of the lines that I came to was I wondered who

would bowl me the first googly and there it is. Skilfully done but nonetheless I think I have spotted it. Of course not, they are ... the Tax Justice Network is a lobbying organisation which has a political background, a political aim and is clearly partisan. However, that does not mean that one ignores and pretends that point of view does not exist. If we are to achieve balance we must listen to our critics in that sense as well as our supporters to arrive at our balance. I believe that sort of approach was adopted very early on in Shadow Scrutiny where, at one stage, investigation of Zero/Ten policy, I think it was, had 2 advisers: one Richard Murphy and one local accountant with completely different philosophy and point of view, and balance was achieved. Certainly no one wants political bias in Scrutiny because that is fatal to the whole process and with my strong political beliefs I am the most aware of maintaining that reputation. Political hat on, Scrutiny hat on: the 2 are different and I am very careful to make sure when I am coming up to produce a report that everything I do can be solidly evidenced. I ask my team and I ask my officers: "Is it legitimate to put this conclusion or this recommendation based on the evidence we have found?" If they say: "Oh, that is a bit strong, the evidence is not quite there" it gets changed. No politics in Scrutiny reports.

1.2.6 Senator P.F.C. Ozouf:

Can I press the candidate on that? Is he maintaining the view that the appointment of Richard Murphy was a credible appointment to be made? Would he also comment: some Members have characterised the last 3 years as a ping-pong between myself as the former Minister for Economic Development and the Chairman. Does he think that the interests of this Assembly and Scrutiny are going to be well served by another 3 years of that?

Deputy G.P. Southern:

I believe that, yes, the balance was achieved on that Shadow Scrutiny Panel and that was a perfectly credible report that was produced. As to ping-pong, the only occasions when I can recall it seeming like ping-pong is when the Minister has ducked the question and I have to keep on asking several times in order to get halfway decent answer that does not meander around the houses but produces a lot of words, but says nothing about the content. That is the sort of ping-pong I would love to avoid if, when Ministers come to my panel they gave me straight answers.

1.2.7 Deputy A.E. Jeune:

Does the Deputy believe it would be within the role of Scrutiny to be looking at what departmental areas are core and what is non-core and could be outsourced if it were to be more efficient and effective, and recommending accordingly?

Deputy G.P. Southern:

Absolutely. I personally have a political philosophy which is opposed in general to outsourcing and privatisation from that point of view. But, no, if that were the issue, and it may well be in the coming 3 years, I certainly would be willing to examine it critically, evidence based, and produce the conclusions which might go against my political philosophy. Indeed, I will produce a straight report which says the pros and cons of any such move.

1.2.8 The Connétable of St. Brelade:

Given that the candidate were to be successful in the appointment to this position would he be appointing predominantly J.D.A. (Jersey Democratic Alliance) members to his team?

Deputy G.P. Southern:

Obviously that would be an easy route to take. Generally my fellow party members agree with me about 50 per cent of the time, or less. However, of course, no; because aware as I am of the reputation of Scrutiny - and I take great pride in my Scrutiny - and the quality of it, I would want to have a balanced panel. In fact I am already negotiating to try and find a good Constable to work with to replace the good Constable who is leaving us for Ministerial duties.

1.2.9 Deputy J.A.N. Le Fondré of St. Lawrence:

I would like to press the candidate. Is this candidate seriously contemplating, if the matter under the Scrutiny is appropriate, the use of Richard Murphy as an adviser on matters arising from the Chief Minister or Treasury and Resources?

Deputy G.P. Southern:

I always like to hear the Member for the I.O.D. (Institute of Directors) speaking from behind me, over my right shoulder. The answer is, no, in fact. I am very unlikely to call on the services of Richard Murphy for the very reason that he is insinuating that that would be in some way biased, and that that would call the quality of any report I brought ... it would make it a target which would inevitably mean that it was less effective as a Scrutiny report and what I need to be is an effective scrutineer.

1.2.10 Deputy J.A. Martin:

Can the candidate be absolutely clear - and maybe he is as surprised as me - it was mentioned by the Minister for Housing and it was mentioned by the other candidate that the name and address register is already in law drafting. Will he confirm that he and I worked on this Scrutiny Panel, there has not been a meeting since probably about May last year and this is not from the Scrutiny side; it has not been called by the Ministry side, so there is no report being done on this name and address register but it is in law? Is the candidate surprised about this?

Deputy G.P. Southern:

I am shocked and horrified that that should have happened. We were in the middle of Scrutiny. The meetings appear to have stopped, they seemed to be going nowhere, some target dates were postponed and put off until later, I thought, next year, and to hear that it is being drafted now is absolutely outrageous - to use a Frank Walker word - absolutely outrageous and it should not be happening. I would ask the Minister concerned, whoever he is at the moment, to get on with talking to Scrutiny about what we can do about this lamentable situation. Shame on you.

1.2.11 Senator B.E. Shenton:

Is the candidate surprised that he has had a number of difficult questions from Ministers when, in fact, the Ministers failed to ask the previous candidate any questions at all?

Deputy G.P. Southern:

I thank the Minister once again for putting suspicions into words. I am confident, notwithstanding his comments, that this House values its reputation and will vote for the best candidate to hold the Chief Minister and the Minister for Treasury and Resources to account, and I believe I am that best candidate.

1.2.12 Senator A.J.H. Maclean:

I am afraid that Senator Shenton made an inaccurate statement again. In fact I did ask the previous candidate a question and I will favour the current candidate with the same question and that is quite simply - I will make it a nice simple one as well - if he is not successful in his quest to become the Chairman would he consider taking a role on the panel himself, if offered one?

Deputy G.P. Southern:

A hard question. Hypothetical. Are we allowed to ask hypothetical questions? I am not allowed to ask hypothetical questions of the Minister. [Laughter]

The Bailiff:

I have to say the other candidate answered it. [Laughter]

Deputy G.P. Southern:

I would be willing to help to create an effective team. I believe in Scrutiny. Of course, yes, if the Chairman thought it was appropriate to offer me a place I would, of course, accept it. Having said that, what I will not do as happened a couple of days ago, is I will not tumble down the list seeking chairmanship after chairmanship. This is the one I want, this is the one I am going for. I hope Members will support me in going for that. It is the most important one.

1.2.13 Deputy M. Tadier:

Can I ask the Deputy can he give us his assurance that the committee he puts together will be at least as inclusive as the Council of Ministers? **[Laughter]**

Deputy G.P. Southern:

I think if I appointed the Dean it would be more inclusive than the Council of Ministers. What a shame we have not got any ... the principle of inclusivity did not get translated into practice. Absolutely, I seek the widest possible range of views because that way, as you are producing a report if it is acceptable to the person who is most different to you politically then it is acceptable to likely most people and written in clear simple language an effective way of producing a way forward and an evidenced public document that says: "This is what we should be doing."

1.2.14 Senator J.L. Perchard:

Could the candidate reassure me - I am impressed by his enthusiasm but I need reassurance and I think probably Members do - that confidential information given to him and his panel will not get passed on to vehement critics of Jersey and people that would see Jersey's financial services industry destroyed?

Deputy G.P. Southern:

Absolutely.

1.2.15 Senator P.F.C. Ozouf:

What would his top priorities be in relation to Treasury Scrutiny, particularly in relation to tax, and what would he be trying to achieve in the tax area?

Deputy G.P. Southern:

I think my overriding concern - and I think I probably expressed it (a) when I went after the Ministry for Treasury and Resources myself and (b) after the Social Security Ministry myself - my starting point is the overlap, the boundary between the poverty line, the tax threshold and income support thresholds and to see what is happening there. We made a number of rapid-fire moves recently over income support, *et cetera*, and I am not sure that we have got that boundary right before we start looking anywhere else. So I would certainly be interested in looking at that. Yes, that will do as a starting point. The other issue is one that has niggled at me for a few months now, since I first looked at it a year ago, was the Blampied proposals on Zero/Ten. I remain convinced that the Blampied proposals will be ruled out of order by H.M. Treasury (Her Majesty's Treasury) as simply a tax avoidance ruse in many ways from a U.K. tax base. I am not sure, despite the confidence of the new Chief Minister that that is a way forward that we should be proceeding with. I need to look at the evidence.

1.2.16 Deputy M. Tadier:

I would also ask the candidate, does he acknowledge that at a time of increased international pressure from the U.S. (United States), from Europe and from the U.K. that it is in fact important to have a diverse portfolio of advisers, if I may call it that, not just people who will pander to and apologise for offshore finance.

Deputy G.P. Southern:

I think it is always important to achieve balance, and a balanced outcome to any report. Certainly the moves going on I am aware of in the O.E.C.D. (Organisation for Economic Co-operation and Development) and certainly overtly politically from the U.S. suggest that we are, indeed, due for some strong investigation, not least from Michael Foot who is on his way here as we speak.

The Bailiff:

Thank you, Deputy. I ask that Senator Ferguson be invited back to the Chamber. Have all Members placed their ballot papers in one of the urns. I will invite the Attorney General and the Acting Viscount to act as scrutineers. Senator Ferguson, are you content that we should move to the next Scrutiny Panel appoint, Economic Affairs? Deputy Southern has already made that declaration.

2. Appointment of Chairman of the Economic Affairs Scrutiny Panel:

2.1 Nomination - Deputy M.R. Higgins

The Bailiff:

I invite nominations for the chairmanship of the Economic Affairs Scrutiny Panel.

Senator A. Breckon:

Can I propose Deputy Higgins.

The Bailiff:

Deputy Higgins is nominated by Senator Breckon and **[Seconded]** seconded by Deputy Pitman. Are there any other nominations for the chairmanship of the Economic Affairs Scrutiny Panel? Very well, I declare that Deputy Higgins has been duly elected as the Chairman of the Economic Affairs Scrutiny Panel. **[Approbation]** Senator Ferguson, are you content that we should move on at this stage? Yes.

3. Appointment of Chairman of the Education and Home Affairs Scrutiny Panel:

3.1 Nomination - Deputy R.G. Le Hérissier

The Bailiff:

I ask for nominations for the chairmanship of the Education and Home Affairs Scrutiny Panel.

Deputy M.R. Higgins:

I would like to nominate Deputy Roy Le Hérissier for the position.

The Bailiff:

Deputy Le Hérissier is nominated. Is that nomination seconded? **[Seconded]** Are there any other nominations for the chairmanship of the Education and Home Affairs Scrutiny Panel? Very well, I declare that Deputy Le Hérissier has been duly elected. **[Approbation]** Senator Ferguson? Deputy Southern? Not interested in the chairmanship of the Environment Scrutiny Panel? No.

4. Appointment of Chairman of the Environment Scrutiny Panel:

The Bailiff:

I invite nominations then. Constable of St. Helier?

Connétable A.S. Crowcroft of St. Helier:

I would like to nominate Deputy Duhamel.

The Bailiff:

Is that nomination seconded? **[Seconded]** Are there any other nominations?

Connétable G.F. Butcher of St. John:

I would like to nominate Deputy Rondel.

The Bailiff:

Is the nomination of the Deputy of St. John seconded? **[Seconded]**

The Connétable of St. Brelade:

I would like to nominate Deputy Wimberley.

The Bailiff:

The Deputy of St. Mary nominated, is that nomination seconded? **[Seconded]** Are there any other nominations for the chairmanship of the Environment Scrutiny Panel? Very well, I invite the Deputy of St. John and the Deputy of St. Mary to withdraw to the quiet room. I invite Deputy Duhamel to address the Assembly.

4.1 Nomination - Deputy R.C. Duhamel

Deputy R.C. Duhamel of St. Saviour:

Last week I put myself forward for the role of T.T.S. (Transport and Technical Services) Minister and my interest in this area is well known and I have substantial experience and knowledge of all aspects of the Environmental Scrutiny remit. As Chairman of the Environment Scrutiny Panel over the last 3 years my panel completed several Scrutiny reports on subjects covered by both T.T.S. and P. and E. (Planning and Environment). On the P. and E. side the reports included planning process, looking at the way that application are dealt with, design of homes, considering design standards for residential accommodation, urban regeneration - this is our most recent study and it looked at the need for good planning in the existing built-up area, something which will be returned to as part of the Island Plan - and indeed, Sea Fisheries regulations, a short review on the use of netting and the legislation behind. I have a very good working relationship with Senator Cohen and was pleased to see him re-elected unopposed as Minister for Planning and Environment. I believe that over the last 3 years the Scrutiny Panel has worked together with Senator Cohen in a very productive way and indeed he has given us a commendation in his manifesto and provided a demonstration of how effective the nature of co-operative scrutiny can be. Most of the recommendations that the Scrutiny Panel, our Scrutiny Panel, have come forward with have been accepted by the Minister for Planning and Environment. The energies of T.T.S. over the last 3 years have been principally channelled into the project to replace the Bellozanne incinerator. As a reflection of this the work undertaken by Scrutiny over the last 3 years has also focused on waste strategy items. The incinerator contract is now signed, as we all know, and I believe, however, that the work of my panel over the last 3 years helped to raise the public profile on waste management issues and to ensure a meaningful debate. Indeed the vote was fairly close and the States almost were in a position on the recommendations of our Scrutiny Panel of saving some £70 million. We completed 2 major reports connected with the waste strategy, one on recycling and a second report on the implementation of the waste strategy. The panel also reported on air quality in Jersey, making recommendations on monitoring procedures. These recommendations are still to be taken up by the departments. Unfortunately the previous Minister for T.T.S. did not enjoy a good relationship with the Scrutiny Panel but I look forward to a much more civilised and productive relationship with the new Minister. As well as producing formal reports, the ongoing work of the Scrutiny Panel also included reviewing the departmental business plans and budgets, meeting officers and Ministers on a regular basis to discuss ongoing work. I am a member of the Tidal Energy Group, working with Constable Murphy and the report is about to be released, and also a member of the Environmental Think Tank set up by the Planning Department to promote new ideas in policy setting. This is an effort to combine public and private sector efforts in improving the

environment. One of the main goals of Scrutiny should be to encourage public participation in current issues and as Chairman I have organised a wide range of public activities. We have set up displays, we have organised exhibitions, we have had held public meetings around the Island and we have been into the schools. Scrutiny has an important role to play in taking politics to the people, I feel, and making sure that people understand the background of decisions that are being taken in their name and to offer them a variety of ways for making their points of view heard. Many people will not want to submit formal evidence to a scrutiny review but are nonetheless happy to share their experience and knowledge in a less formal setting. My panel members and I have engaged with a wide cross-section of local residents through these activities and will continue to do so. I have a wealth of experience across both areas of T.T.S. and P. and E. and have been involved in Scrutiny in this area for the last 6 years. Before then I served on both the Public Services Committee and the Planning and Environment Committee. I know the officers personally, I understand the departmental procedures and I have a good knowledge of the current policies and the underpinning legal frameworks in both areas. I also have contacts - and regular contacts - with our Guernsey politicians and, indeed, the ones from Alderney. Looking forward to the next 3 years, the choice of reviews is, of course, a matter for the panel as a whole to make and there will be a wealth of material to choose from. On the T.T.S. side, the Integrated Travel and Transport Policy is now seriously behind schedule and this will need to be a major consideration in 2009. Other important issues that could be tackled over the next 3 years include the sewage replacement programme, the Liquid Waste Strategy, safe routes to schools, school buses, commercial car parking opportunities, use of electrical vehicles and biofuels, taxis, options for renewal of bus contract, future for sea defences and commercial recycling opportunities. P. and E. are on track to finalise the new Island Plan in 2009 and the panel has recently completed a study on urban regeneration and is likely to look at other areas of Island development during the next year. The energy policy is another very, very important major area. Other issues would include the Waterfront, further planning issues in St. Helier, the use of renewable energy sources, environmental taxes, energy efficient buildings and home installation schemes, aquaculture and shared equity schemes. Previously the panel consisted of 4 Members and I think if elected I would choose to do the same. I consider that there needs to be a mix of new and experienced members. There are 2 members remaining in the House from the previous panel who have expressed an interest in continuing their work. I would also like to take on 2 of the recently elected Members, many of whom have already expressed strong interest in these environmental matters. The work of Scrutiny is sometimes a thankless task but it is absolutely critical that Ministers are held to account and that Scrutiny Panels have the abilities and energy to keep a very close eye on the actions of the Ministers and their departments. As I set out in my speech last week, my priorities for government are long-term planning, concentrating on core services, sound environmental policies and openness and accountability. I will continue to apply these principles to the work on the Scrutiny Panel. I believe that my track record shows that I have the experience and ability to undertake the role of Scrutiny Chairman and I look forward to continuing this role over the next 3 years. Thank you.

The Bailiff:

Thank you, Deputy. I invite questions for the Deputy. Deputy Le Hérissier.

4.1.1 Deputy R.G. Le Hérissier:

The candidate is well known for his very profound knowledge of environmental issues but as he knows there have been comments - right or wrong - as to the time taken to both produce reports and to reach various decisions. Would he comment on those comments and suggest how the situation will be much improved in the future?

Deputy R.C. Duhamel:

I think that already efforts have been made to produce reports that are simpler and easier to read and I do agree with the questioner that there are technical issues but those technical issues do need

to be put in a form that makes it easy for States Members who are not experts in those areas to become as enthusiastic as perhaps the Members on the panel who are more closely associated with that work. As I say, I think we have managed to crack this one and I have received a number of comments from various Members of the House as to the readability of the latest urban regeneration report. Some people said that they started it and they could not put it down until they had finished it, which was an outstanding comment I think in that respect. Thank you.

4.1.2 Senator A. Breckon:

I wonder if Deputy Duhamel could tell the House whether he believes there is any unfinished business from the previous panel that still needs more work doing or needs to get proactive on, perhaps like a transport strategy?

Deputy R.C. Duhamel:

One of the difficulties that all Members will experience when they sit on Scrutiny is that the workload is not necessarily defined by the panel members. Scrutiny is not scrutiny of issues in itself, it is scrutiny of the work that is being undertaken by the Ministers. The Ministers in that respect have started a number of business areas that really need to be completed. I did mention a couple of them, the Integrated Travel and Transport Plan is one such of those areas which has been languishing for the last 3 years, if not before. In fact this House has received a number of copies of travel and transport plans but we really need to get our act together on that one. Likewise another body of work that needs completion is the Island Plan Review; the Energy Policy - which we have taken the first look at and prepared draft comments which have gone back to the department; and indeed a whole host of other areas. As I said, the workload worked out in combination and in co-operation with the Ministers and there are unfinished works.

4.1.3 Deputy M. Tadier:

Many of the issues that we have to contest, such as congestion, emissions and waste reduction, are largely behavioural and to do with changing behaviour. To what extent should this change be voluntary and what we can we do as the States if not?

Deputy R.C. Duhamel:

The best way of achieving behavioural changes is voluntary methods. A very good example was the very, very rapid change that was brought about when people decided in Jersey that they would follow the outstanding examples of other jurisdictions and to reduce the volume of plastic bags that were being used in the Island. We did not need to do as they did in Ireland to bring forward an environmental tax which encouraged the Irish population to do a similar thing. So I would agree with the questioner, the best way forward is to try and achieve voluntary behavioural changes but this will occupy the minds and thoughts of the members of the Scrutiny Panel because the Ministers are drawing-up, as we speak, environmental taxation methods which would not necessarily, or do not necessarily, achieve the same ends.

4.1.4 Connétable D.W. Mezbourian of St. Lawrence:

For the very few Members present in the House at the moment, what are the candidate's view on whether that is an expression of the interest in the Environment Scrutiny Panel and the work that it can do for the Island?

Deputy R.C. Duhamel:

I hope it is not an expression because I would have thought that everybody should really be interested in the environment. It is, of course, of utmost importance to all of us. We breathe the air, we drink the water, we produce waste substances that have to be got rid of. It is absolutely important in every shape and form, in everything we do. I would like to think that perhaps those Members who are not present at the moment are exercising the calls of nature perhaps or having a cup of coffee and I hope they would return to the Chamber as soon as possible.

4.1.5 The Connétable of St. Brelade:

The candidate has alluded to the fact that the relationship between Scrutiny and the previous Minister was difficult. Could he give Members his thoughts as to how this might be improved in the future?

Deputy R.C. Duhamel:

I think if a leaf can be taken out of Senator Cohen's book by the Constable and certainly by the panel then I think we will have a recipe for improved discussions and the ability to work together. One of the fundamental things that I think was lacking with the previous Minister was that there did not appear to be much of a respect for those Members who were on the panel, and indeed for the person who was chairing it. I think in any shape or form of work that we are going to undertake together there has to be a respect, whether begrudging or not, on behalf of the other side. We have to tackle problems together. It is better that we do tackle problems together. I have always been an optimist, and where there is a will there is a way. I am certainly happy to work, as indeed my panel members would be, with T. and T.S. and the Minister for Planning and Resources into the future, and indeed any other Members who are interested in the subject.

4.1.6 Deputy I.J. Gorst of St. Clement:

The candidate has, in the past, been associated with the bridge to France, can he give us reassurance that he believes there are more pressing issues that his panel, should he be elected, should be dealing with, and could he comment on his thoughts on the bridge.

Deputy R.C. Duhamel:

Yes, in actual fact the bridge to France comments were taken out of context and had Members attended the public meeting at the Magistrates Court they would have heard that it was not about bridges to France, it was about fixed links, energy production and a whole host of other things. It is unfortunate that we do not have as much control over the media as we would like to have and I do accept that there are more pressing kinds of arrangements that we should be looking at. But, nonetheless, the energy policy is an area that has to be looked at and from reports that have been given to the existing Environment Scrutiny Panel we are told that the energy available at 20 per cent take around the Island, in Channel Islands waters, represents between 5 and 6 times the amount of electricity that is used by all of the Channel Islands at the moment. It could represent a way forward to provide the Island with another industry in order to offset the reliance on the finance industry and that is something that needs to be looked at not just by the Scrutiny Panel but by the Council of Ministers as a whole.

4.1.7 Senator P.F.C. Ozouf:

One of the ways that Scrutiny can perhaps work with Ministers is engagement early on in the process when a policy is under development. One of the major policy developments that the candidate is going to be scrutinising is the development of the Island Plan. Could he explain how he would wish to start that process of engagement with the Island Plan?

Deputy R.C. Duhamel:

I already have. I was a member of the previous working group so I think we had something like 6 or 7 working groups and as chairman of the previous Environment Scrutiny Panel I put my name down for pretty well all of them. I attended almost all of the working groups, I have all the reports. That process is underway at the moment and should be furthered.

4.1.8 Deputy J.A. Hilton of St. Helier:

The States, during the debate on the Business Plan, agreed additional funding for the delivery of the town park to the tune of £7.5 million. The question I would like to ask the candidate is if he is successful today in chairing this Scrutiny Panel, the town park is at a very crucial stage in development, will it be his intention to scrutinise the decision?

Deputy R.C. Duhamel:

The panel has not received very much information directly at the moment as to the costings of the alternatives for the parking. We were told that it was intended to have some 1,200 car parking units on the town park site but of late a new plan has emerged to produce substantially less parking units in a surface car park on the Ann Court site. If indeed the costings of that particular project need to be scrutinised then it would go forward to the panel to be considered in the usual way. I am hearing some reports to suggest that the cost of surface car parking is way in excess of what the underground car parking might have been and I think what we need to do, if that is the case, is to in very, very short order, because I am a firm supporter of the town park, to see whether there is any truth in these statements and to look at it. But it is a decision that will be taken by the House and other Members, as indeed all decisions for scrutinising subjects is.

4.1.9 Deputy G.P. Southern:

Can the candidate explain or justify why, after 3 years' work, he did not bring an amendment to the incinerator plans brought forward by the Ministers to have a cheaper, smaller modular alternative that Members could have voted on at the time of the debate?

Deputy R.C. Duhamel:

That is a difficult one because the role of the Scrutiny Panel is to come forward with evidence-based scrutiny and that is exactly what we did. The panel published its recommendations as its policy alternatives, those policy alternatives were considered by the House but are not agreed with evidently and we did not see it as our duty to do that. What we did do in looking at the planning considerations was to register a whole host of suggestions which brought about a reduction in the scale of the plant and, indeed, some revisions to the landscaping and other issues. There is a clear definition between Scrutiny and bringing policy propositions to the House, and straying between the 2 is something that is not encouraged.

4.1.10 The Connétable of St. Lawrence:

What are the candidate's comments on the role of the Chairmen's Committee?

Deputy R.C. Duhamel:

I think the Chairmen's Committee was probably a good idea but I think I would have favoured, and still do favour, just keeping it to the chairmen of the existing panels. I think what happened, having chaired the Chairmen's Committee for the first half of the period or thereabouts was that there were confused guidelines as to how it was being led and what the aims were. The whole purpose of the Chairmen's Panel is to ensure that any areas of overlap in terms of issues that need to be scrutinised by a panel are not scrutinised by all panels and to resolve any difficulties. It really operates in a scaled-down version along similar lines to how the Council of Minister operates in terms of working together.

4.1.11 Deputy A.E. Jeune:

Does the Deputy accept that the Waste to Energy incinerator will now go ahead as was the decision by the previous House? The contract is signed and sealed and delivery is urgently awaited and we can place our energies now on other things, for example, wave power.

Deputy R.C. Duhamel:

Yes, I do agree with that, with one proviso and that is that there will always be a requirement for further recycling, indeed it is the stated aim of the Council of Ministers to increase recycling on the Island across the board. So with that in mind, I do agree.

4.1.12 Deputy A.K.F. Green of St. Helier:

The candidate mentioned the need to review the bus contract. Would the candidate give an undertaking that this review would rigorously look at the very poor service offered to wheelchair users and mothers with pushchairs, *et cetera*.

Deputy R.C. Duhamel:

Absolutely, but the questioner must realise that the opportunities for making deep changes must be tied into the length of contract that this House has been bound to. We have the existing operator and the current service for the next 4 years and the opportunities for massively changing it are fairly limited. Nonetheless it must be looked at in order to make sure that any mistakes of the past are rectified before the contract comes up for renewal.

4.1.13 Deputy R.G. Le Hérissier:

Given the almost evangelical zeal with which the candidate approached recycling, how would he, in the future - and we have heard remarks from another candidate - separate his personal and very strong views on issues from the need to develop objectively and comment upon policy alternatives?

Deputy R.C. Duhamel:

I think as far as possible I am objective and the other 4 members of my panel will have a job of work to do in order to make sure that their chairman is kept balanced. It is a team effort. In chairing a Scrutiny Panel it would be myself and 4 other members and we will be working as a team.

4.1.14 Senator P.F.C. Ozouf:

T.T.S., one area covered by this panel, is responsible for the Island's infrastructure, particularly the liquid waste system. One of the other candidates has strong views about the liquid waste strategy but there are issues. Would the candidate commit to setting up a review to try and find solutions to the Island's liquid waste problem and to scrutinise what is currently carrying on?

Deputy R.C. Duhamel:

Absolutely. It is an area that will require, if we go down the wrong path, extensive capital funding. We are talking in the order of £200 million at a time when we are all trying to pull our belts in. There are alternatives to dealing with the liquid waste in the way that we deal with it and all alternatives must be looked at and probably scrutinised before the Island commits and embarks on doing the same thing into the future.

4.1.15 Deputy A.E. Pryke of Trinity:

If the candidate was successful would he encourage the panel to scrutinise the Island Plan and if so how would he engage the public?

Deputy R.C. Duhamel:

I have already answered that question in part. In terms of public engagement I think we would go along with the thoughts of the department and possibly run combined opportunities for bringing the Island Plan and discussions thereon to the public. This is something that we have done on occasion with the previous committee and with my educational background I do not see it a problem.

4.1.16 Deputy G.P. Southern:

Would the candidate point to one lesson he has learned from his 3 previous years in Scrutiny that will cause him to be a more effective and efficient Scrutiny chairman in the coming 3 years?

Deputy R.C. Duhamel:

Certainly, on technical issues keep it simple.

4.1.17 Deputy R.G. Le Hérissier:

Could the candidate outline what are some of the policy options in the provision of public transport on the Island that his future panel might be looking at?

Deputy R.C. Duhamel:

I think the biggest thing that needs to be looked at as a matter of urgency is to encourage the T.T.S. Department to bring forward revisions in the law to legislate to allow alternative vehicles to be driven on our roads. There are a whole host of electric vehicles, hybrid vehicles and other vehicles that would make huge differences to the way people use transport, but at the moment they are not entitled under the legal framework to do so.

4.1.18 Deputy I.J. Gorst:

The candidate spoke recently during my proposition for a speeding review saying that he felt that review should have been undertaken by Scrutiny. The States has now approved that proposition. I wonder if the candidate could comment on how he is going to deal with that with his new panel.

Deputy R.C. Duhamel:

In a co-operative fashion.

The Bailiff:

No further questions for the candidate? Very well, I will draw this question period to an end. Deputy Duhamel, would you be kind enough to go to the Blampied Room and not to the Le Capelain Room where the other candidate is waiting. While we wait for the second candidate to come up to the Assembly, I can announce the result of the ballot for the Chairman of the Corporate Services Scrutiny Panel: 30 votes were cast for Senator Ferguson, 20 votes for Deputy Southern and I declare that Senator Ferguson has been duly elected. **[Approbation]** If he is ready I now ask the Deputy of St. John to address the Assembly.

4.2 Nomination - The Deputy of St. John

Deputy P.J. Rondel of St. John:

Fellow Members, I am back **[Laughter]** but I must say to see 9 of the Senatorial seats empty is a bit of a shock. I hope I am able to persuade the Members that I am able to chair a Scrutiny Panel. Members will see that I, in fact, chaired the Scrutiny for Waste Management Strategy back in 2005 which is quite an achievement given it was done under the system of shadow Scrutiny, but along with my team I believe we came up with an excellent report. In the early days I had a testing time keeping the President of Public Services, which is now T.T.S., from the hands of one or 2 of the panel as he is and was apt at making the Scrutiny Panel members tease out every last bit of information from him - a difficult task at the best of times when you have a Minister of that calibre. If I am fortunate, I will look at those Members with a broad reach of skills in those areas to be scrutinised to become members of my panel and as in the past I would bring in, where necessary, honorary, unpaid experts, from on-Island where possible but would not have my hands tied if an expert was needed from further afield to assist the panel. Working alongside Scrutiny Officers is most important because their ability to pull things together at short notice is second to none. We must all work as a team any panel that I have. We are to work with the Ministers and the officers of the departments being scrutinised, in harmony and not being confrontational as I believe working in harmony as a critical friend is a must. My past experience not only as a chairman, but also as a panel member on several panels which were agro-environment, the harbour review and the water resources review to name a few, have given me the experience needed to move things forward. Apart from the experience of Scrutiny I have knowledge of how to open doors within the government, having served on many committees in different capacities from Vice-President of several, including the Jersey Transport Authority and Public Services (now T.T.S.), but my 11 years in the States has given me the breadth required to once again allow my name to go forward as chair of Scrutiny. Nevertheless, prior to making the decision to stand for chair of Scrutiny, I did offer my services as Assistant Minister to Constable Jackson as I believe my past experience as

Vice-President of Public Services and having served on 4 of its committees over many years could have been of help to him. In putting my name forward I understand how important the chair of a panel is. To get the best out of the team they must be motivated and I believe I am the person to do that. As in my business life, having run a group of companies employing many staff over many years in different areas of commerce, I am not just a plumber from St. John, but much more. Yes, I had a plumbing business as well as a building company and a transport and garage business giving me the opportunity to gain experience in dealing with many people in all walks of life, allowing me to retire at 44 not without some small measure of success. Throughout that time I also managed to juggle many other positions in the Island: working within the Honorary Service mainly as a Centenier for St. Helier and St. John for some 18 years and as a chair of many clubs and associations across the Channel Isles. Probably the best known is the Channel Islands Air Search - I was the chair in the early 1990s when the appeal to raise £500,000 for a new aircraft, to my pride, was successfully achieved. I went on to become a trustee of that organisation. As you can see, I know how to work as a team player and get the best out of people. Bringing matters back to Scrutiny, it is important that a chair is open-minded, not to have fixed views on the subject matter. We can learn new and innovative ideas every day. If Members want an honest and reliable person to chair a panel, who is not biased, then look no further. I will, if elected, enjoy the sparring of the new Minister for Treasury and Resources as he will, I am sure, keep any panel member on edge with frustration in the way he answers questions. He too, I am sure, understands that Scrutiny is an important part of government. We, in the Chamber, are all here to do what is right for our people and our Island, not to score points as we all need to be winners. I ask for the Members support. Thank you, I will now take questions.

The Bailiff:

Thank you, Deputy. I invite questions.

4.2.1 Deputy R.G. Le Hérisssier:

I wonder if the candidate could tell us what he sees as the most crucial environmental challenges facing the Island.

The Deputy of St. John:

Yes, the infrastructure on the Island is in a poor state of repair. There are many challenges in that area ahead, one which has probably not come up on the radar recently, but believe it or not it is the liquid waste policy which, in fact, will be quite demanding on the Treasury in years to come. There are other areas like roads infrastructure and so forth.

4.2.2 Deputy J.A. Hilton:

The States recently agreed an additional £7.5 million for the funding required for the delivery of the town park. That delivery is at a crucial stage. If the candidate is successful today would it be his intention to scrutinise the decision as a matter of urgency?

The Deputy of St. John:

The town park, as we all know, has been around since 1999 and it was for the 2000 millennium project and of course it is a matter of urgency. We are nearly 10 years down the road now and that project has not gone forward. Given the credit crunch, that is an area that might help create work for the workforce of the Island and it is an urgent area to scrutinise.

4.2.3 Deputy K.C. Lewis of St. Saviour:

The candidate has spoken quite a bit on the infrastructure of the Island. What are the candidate's thoughts on alternative energy?

The Deputy of St. John:

Yes, alternative energy. Yes, I am pleased that question has been put forward because that is an area that historically I have always had an interest in, right down to my days in business when I developed and tested some equipment to do with alternative energy within one of my businesses. So that is an area that I believe is very important.

4.2.4 The Connétable of St. Brelade:

The Deputy has a reputation for wishing to extend mains drains. How does he think this could be funded?

The Deputy of St. John:

Currently, as we know, the mains drains are funded through our tax system and it is not equitable at the moment because people who are not on mains drains pay twice for that particular service; they pay for the tanker service separately which is very expensive for those people who require that service. I am aware that there are moves afoot for an environmental tax and this area needs to be looked at and reviewed.

4.2.5 Senator P.F.C. Ozouf:

One of the major strategic policies which the candidate is going to be scrutinising over the next 3 years is going to be the development of the Island Plan. Could the Deputy explain how he would propose to engage with the Island Plan development and how he would scrutinise it over the next 18 months?

The Deputy of St. John:

Yes, the Island Plan is an area which I would be pleased to scrutinise given that there are areas that I am hoping to have input into through our Parish and I know St. Martin has already put a plan together for their Parish. Hopefully in that area, in fact, we will see a lot of input on the Island Plan from the Parish Constables and their Deputies, to have 12 areas identified within that plan, and with that I would like input. I would sincerely hope that we would be scrutinising the Island Plan in its entirety before it gets adopted.

4.2.6 Deputy A.E. Jeune:

Does the Deputy accept that the waste energy incinerator will now go ahead as was the decision by the previous House, the contract is signed and sealed and delivery is urgently awaited and we can now place our energies on other things, for example, wave power although in the case of the candidate it may well be mains drains?

The Deputy of St. John:

The energy from waste plant, as you have said, has been signed and sealed and I have spent some time with the Chief Officer from Public Services over the last couple of weeks and one of his assistants. We cannot review that decision, as far as I am concerned. The decision is made and we should not be reviewing it. We must move forward. As far as energy from wave power is concerned, yes, I am in favour of alternative energies.

4.2.7 The Connétable of St. Lawrence:

What are the candidate's views on the role of the Chairmen's Committee?

The Deputy of St. John:

The Chairmen's Committee is not an area that I am familiar with. I am aware it exists, I do understand the principles of it and, therefore, I am aware that when it was first set up there was a bit of difficulty in the way it was being run. I understand in recent times it was operating very well, but more than that I cannot say.

4.2.8 The Deputy of Trinity:

What environmental issues would be high on his agenda to scrutinise?

The Deputy of St. John:

The environmental issues to scrutinise: obviously those which are outstanding at the moment which are coming to the floor of the House which will need scrutinising. I do have concerns after having spoken to the Chief Officer at T.T.S. that considerable money has to be spent on a liquid waste strategy. Also, the other area that is very, very important is that already raised by the Senator with responsibility for the Treasury which is the Island Plan.

4.2.9 Deputy T.M. Pitman:

The Deputy has just informed us that he holds the view that the incinerator cannot be reviewed. However, could he share with us whether he believes it will provide value for money for the Jersey taxpayer or is it just making the best of a bad deal?

The Deputy of St. John:

Historically you will see from our original report that we made a number of recommendations and personally if I had been involved in making the decision I would have probably gone for an alternative type of energy from waste plant. That said, the House has made the decision, the contracts have been signed and, therefore, we must not go back - we have to move forward.

4.2.10 Deputy R.G. Le Hérissier:

The candidate proudly and rightly waved around his shadow Scrutiny report on waste. Does he realise that this process went on producing reports for another 3 years? What does he think went wrong with the process and what would he do to ensure that Scrutiny makes tight, focused, timely reports?

The Deputy of St. John:

Yes, I was surprised to find out that the issues kept on being raised on the floor of the House in relation to the Energy from Waste plant. Once a decision or Scrutiny report has been pulled together, that generally should be the final point: it should not be for Scrutiny members who were not happy - and they were on the panel of the day and they had the input on the first occasion - to try and have a second or third input because they were not happy with the result. They had the opportunity to make sure that when that original report went out that, in fact, they were being listened to and everyone was in agreement.

4.2.11 The Connétable of St. Brelade:

Has the Deputy any views on composting at La Collette?

The Deputy of St. John:

Yes, composting at La Collette, which is obviously a very current issue and it is one that should have been dealt with 3 years ago because in our original report we did mention an in-vessel composting site, that a building be put in place. I am given to understand, because I did speak to the former Chief Minister on a number of occasions to do with in-vessel composting, along with other issues to do with this original report, that the money was put aside for in-vessel composting sites at La Collette. The problem being, I believe, was the location within the site at La Collette, where it had to go. I believe now that has been resolved and the quicker that building is put in place the better.

4.2.12 The Connétable of St. John:

I would like to know the candidate's views, when the Island Plan comes up for Scrutiny, on minimal use of green field sites to satisfy parochial need.

The Deputy of St. John:

My views are quite simple on that. Green field sites are the last place we should be looking for any development. We should be using brown field sites and the like and, of course, there are quite a number of sites already been identified in the previous Island Plan of 2002 which have still not been taken up. These need to be included or reviewed again in the 2009/2010 Island Plan before we touch anything whatsoever in the Green Zone.

4.2.13 Senator J.L. Perchard:

I would like to know the candidate's views on extending the mains drains network into the Parishes.

The Bailiff:

Very succinctly. [Laughter]

The Deputy of St. John:

I could make my 10 minutes last an hour. Of course, we must extend the mains drains into the Parishes. As the Senator will know, the funding at the moment is very tight in this area and we must ask the Treasury to release more funds and hopefully he will. Of course, there is a good percentage of the Island who do not have this luxury and they are paying twice for having their sewage removed. My views have not changed. We must move forward and complete this particular area.

4.2.14 Deputy I.J. Gorst:

I welcome the candidate's view about green field development. I wonder if I could just press him with regard to brown fields. Does he consider that greenhouse sites are brown field sites or does he consider they are green field sites with greenhouses on them?

The Deputy of St. John:

It depends on their location because we have seen at Five Oaks, and also at the top of Queen's Road, where glasshouses were turned back into green field sites. Because of the glass, when they have been demolished, been broken, the fields can only be used for certain crops. That is a very difficult one. Where currently you may have glasshouses in the centre of a built-up area then logically that, as far as I am concerned, will become a brown field site, but where they are in a stand-alone area I think we are very limited on what the site can be used for once it is returned back to agriculture.

4.2.15 Senator P.F.C. Ozouf:

The Deputy pipped all other Members to the post and submitted a report - the first report of this new Assembly - on Ministerial government. Mindful that strong Scrutiny is a vital part of Ministerial government could he confirm that he is committed to keeping Ministerial government and strong Scrutiny and he will not try and bring back old committee government in the use of his panel?

The Deputy of St. John:

I can assure you I am committed to the way forward. I am not going backwards. As far as I am concerned, Clothier in its entirety was what was on offer. We were not given the opportunity by the President of the day to have the meat put on the bones, which I did ask for, therefore I could not support the system of government that we have now got, solely because I wanted to see the full picture and not just part of it. I hope that answers your question, Senator.

4.2.16 Deputy F.J. Hill of St. Martin:

The Deputy quite rightly says he will be looking for additional funding for the drains. However, if elected would the Deputy be minded to scrutinise the current Transport and Technical Services

budget with a view to finding out whether there is money within the existing budget to pay for the drains?

The Deputy of St. John:

Yes, of course I would take that on as a Scrutiny matter because I think it is important that all budgets are scrutinised and if it means looking at the T.T.S. budget, yes, of course.

4.2.17 The Deputy of Trinity:

With different environmental policies coming forward next year how would he look at engaging the public in his Scrutiny?

The Deputy of St. John:

Needless to say, Scrutiny is open to all to make submissions to the panel and needless to say, the public would be included. We would ask the public to make comments and we would take them on board and those people who wish to give evidence to a Scrutiny Panel would be invited.

4.2.18 Connétable P.F.M. Hanning of St. Saviour:

Given the candidate's forthright views on extending main drains, if something comes up from T.T.S. about this would he feel because he has expressed these views many times before, that he would in fact be conflicted or would he be able to be fair in his judgment?

The Deputy of St. John:

I believe I am always fair in my judgment. If I believe some people are being unjustly served - as we know there is a percentage of the community being unjustly served at the moment by the charges that are being rendered against them - I am always impartial and I would look at things sensibly. Having spent, as I said, 18 years in the honorary system, as a Centenier for much of that time, you have to be totally impartial and I know all about impartiality.

4.2.19 The Connétable of St. Brelade:

I would be interested to hear the views of the Deputy on whether buses running to the airport should accommodate passengers' luggage.

The Deputy of St. John:

Yes, that is an area that is close to my heart given that we have a very poor bus service in the country Parishes, or the northern half of the Island right across from St. Ouen all the way through to St. Martin, and that is an area obviously of concern. If you are putting on a bus service to the airport you should have luggage space and the like and that is an area of great concern.

4.2.20 Senator P.F.C. Ozouf:

Could the candidate explain what sort of panel he would like to put together, particularly how many members of the panel and whether or not, if successful, he would offer any of the defeated candidates positions on the panel?

The Deputy of St. John:

Yes, I would like to take a broad reach across the Chamber of Members of different views and yes, I would definitely offer one of the 2 candidates because I believe both candidates come from, shall we say, a similar background in their views. I would definitely take one of the candidates on the panel with me.

4.2.21 Deputy R.G. Le Hérisier:

How would the candidate manage the Scrutiny Officers so that they are at their most productive and able to focus on the real work?

The Deputy of St. John:

Having worked with Scrutiny Officers in the past I have nothing but praise for them and managing the officers concerned is not a problem.

4.2.22 The Connétable of St. Brelade:

I would appreciate the candidate's views on the taxi service in Jersey.

The Deputy of St. John:

You may not be aware that in my time previously I was the Member who put a proposition through the committee I was on to increase the number of taxis in the Island by some 50. I believe that our taxi service does need to be reviewed which will probably give me difficulty again with getting taxis to get home, but at the end of the day we have to do what is right for the travelling public in Jersey given that we do need an efficient taxi service and it is a problem. I have seen letters in the papers over the years and I have experienced it myself. When somebody arrives back in this Island from away whether it is the airport or at the docks it is sometimes difficult if there is a football match on to get a taxi back home.

The Bailiff:

Thank you, Deputy. I will ask the Deputy of St. John to be kind enough to withdraw to the Blampied room.

The Deputy of St. John:

If I could thank the Members for their kindness in the way they dealt with me? [Laughter]

The Bailiff:

If the Deputy is ready, I call upon the Deputy of St. Mary to address the Assembly.

4.3. Nomination - The Deputy of St. Mary

The Deputy of St. Mary:

I will put these on. I am getting old. I am delighted to be able to offer myself for the job of Chairman of the Environment Scrutiny Panel. I believe that under my chairmanship the States will see timely, thorough and useful reports which will help to develop and improve States policies and services. Under my chairmanship the panel will be an effective champion for the environment and hold Ministers and Executive to account on the environment's behalf. I believe that with the right choice of review topics and the right approach, particularly with respect to the involvement of the public, we can achieve great benefits, an improvement in the opinion the public have of this Chamber and in public awareness of the importance of the environment, an increase in social welfare and social justice, considerable savings to the public purse and last but not least the protection of the environment, both local and global on which we depend for our quality of life and, indeed, for our survival. I think a few words about my environment credentials and the way I think about the environment would be useful to Members. I have a detailed knowledge of transport issues going back to the 1970s and a more general awareness of the global issues of peak oil, sustainability and climate change. All these issues have immediate relevance to Jersey. But environment is also the local environment, the lane which you ride down to get the paper, the walk along the cliffs or along the beach, the new paved area in Broad Street or the flats and the street where you live. Environment in this sense is where we belong, it is the backdrop to our daily lives and because it is this backdrop it determines to a very large extent our quality of life, even though we may not consciously realise this. It is this local environment just as much as the global environment which requires the care and protection of this House and, if it is a bad environment, our attention. As a cycle tour guide of 16 years standing I know every corner of our wonderful countryside, every viewpoint of field, wood and cliff and it makes me proud and happy just to think about this. I hope Members share this appreciation and realise just how precious a thing we have in our Island environment and how it is incumbent on this Assembly to protect it. One theme of the

Scrutiny Panel, if I was elected chair, would be the involvement of the public and paying attention to their concerns. The first step in my election campaign for Deputy, and I believe I was unique in the Island in this, was to get a questionnaire, which I hold up as this was the fashion a couple of days ago, a questionnaire to every household in the Parish. It covers a range of issues relative to parishioners in most policy areas. The public are experts in the problems which they experience and they can also offer plenty of possible solutions, in fact sometimes too many, and it is our job to sort, sift and evaluate. So far as environmental issues are concerned I was taken aback by the strength of the demand in the responses to this questionnaire for a better bus service and by the strength of the desire to get on and improve our waste collection and management. This has a direct bearing on the work the panel should undertake. So what topics do I have in mind? I must stress this is a list of suggestions, some are more emphatic than others. The panel will always be open to further possible topics or angles and to forestall the criticism that it is undemocratic to list suggestions and not wait until the panel is formed, I would say that it is more democratic to inform Members clearly of the flavour of what I have in mind. The first topic I would propose is a thorough and comprehensive review of the bus service on this Island, how it can be improved and whether it would be used and then following on from that a review of the bus contract. I will spell out the reasons for conducting such a review so that Members can see the sort of thinking I think should underlie the choice of topics. First, the public would be delighted that such a review was happening. I am confident that the response to my questionnaire in St. Mary is in fact echoed all over the Island. The question on people's lips often is: "If they can do it in Guernsey why can we not?" So, first reason. The public want progress on the bus service. Secondly, it just has to be the case that we can achieve better value for money than the present bus contract with Connex where we are spending in the order of £4 million per annum in subsidies and we need to look now how savings can be achieved. The third benefit of an improved bus service with more people using it would be to reduce the Co2 emissions of the Island. The fourth would be to reduce the amount of land needed for car parking, especially in St. Helier, and land is the most precious resource in Jersey. This has obvious implications, basically the footprints saved can be put to other uses, housing for example, or desperately needed greener living spaces to improve the lives of residents. The fifth benefit would be social justice. Public transport is just that, transport which serves everyone, at least in theory, and I have heard much about problems of getting on to buses loaded with bags and so on, and thereby tackle social exclusion directly by providing access to everybody to all work and leisure opportunities. At present without a car your opportunities are restricted, and yet you may not wish or be able to afford to own a car. All these benefits are in line with stated goals of this Assembly and with the contract coming up for renegotiation in 2010, as I understand it, now is the time to look at these issues. I went into some detail there. I shall be briefer in outlining the other topics, but the principles stay the same. Public concern and involvement, value for money, environmental gain, social justice together with any additional spin-off benefits. The second possible topic might be how can Jersey move to being a low carbon society? The need to reduce our carbon footprint is the most pressing issue of our time. It is part of the general need to reduce our consumption in order to achieve sustainability which has been recognised in the current strategic plan 2006 to 2011 and I would refer Members to paragraph 1.1, the first 3 bullet points. The task of the review would be to put flesh on the bones and to consider States policies and initiatives in the light of this goal. The third possible topic is one which lends itself to creative approaches in collaboration with other agencies. The panel might explore how our different local environments - for example Bath Street at rush hour or Clos Gosset or the centre of St. Peter's Village, or the walk around Val de La Mare Reservoir, to pick 4 environments at random - are experienced by residents and to see if there are any implications for policy. Now a couple of smaller possible topics. One, a quick review of the most recent recycling rates achieved elsewhere, taking care to unpack these rates carefully of course, because one man's recycling is another man's not recycling, and to see how it was done. Also of targets set elsewhere and the methods being set in train to reach them. A short piece of work focusing on one high profile part of the waste stream, and a very problematic part - plastic bags - and linking-up with commerce to explore if we can go

further towards being a one-trip plastic bag free Island. As I said that list is entirely provisional and the new panel will decide on those or other topics after agreeing on the criteria which determined what a good topic is. In closing I will state what I believe I bring to this role. A desire to involve the public, engaging with issues that affect them, especially looking for relevance to young people, and a willingness to be imaginative and creative in finding ways to do this; to bring people and government together in constructive dialogue; a willingness to listen and to co-operate with officers, Ministers and whoever else, allied to a toughness when it comes to exercising my rights and the rights of the panel; the ability to lead a team, to pool ideas and to share out tasks; the intellectual ability to shape the work so that it all makes sense and an utter commitment to the environment in the sense that I have used it today, both local and global. I do not think I have been as short as the previous candidate but I have been shorter than the 10 minutes and I look forward to your questions. Thank you.

The Bailiff:

Thank you, Deputy and I invite questions.

4.3.1 The Connétable of St. Brelade:

Were he to be successful as Chairman of the Environment Panel, how would he propose to develop a working relationship with the Executive?

The Deputy of St. Mary:

Thank you for that question. I was aware that in elaborating on the bus possible review I have not been able to speak to the Minister for T.T.S. before coming here. I did try yesterday and I did try this morning but the Minister for T.T.S. was not available. Yes, how do you develop a relationship? You invite people to talk with you, you go and see them, you discuss what the possible programme should be but also of course with your own panel and I have read the notes on the guidance on Scrutiny Panels, of course, and clearly you want to dovetail-in with what is going to be the most useful in terms of what the departments are up to but also you have your own ideas about what issues are worth looking at.

4.3.2 Deputy T.M. Pitman:

I am aware that the Deputy has very strong views. If elected would he be willing to take a step to restore the Island's faith that this House understands what inclusive means by appointing a team that is broadly-based rather than just a team to fulfil his own firmly held views? Thank you.

The Deputy of St. Mary:

Nice question. I have thought about that, yes. Clearly as the previous candidate for corporate governance said, it does help to have a wider team and certainly one would look to the different benches to try and be inclusive. Of course I have very strong views. There is a view that the environment has been so underplayed and so undervalued really in this House, compared to the expectations of people out there, that what you would need is a green-to-the-hilt Scrutiny Panel to really roast Ministers and the Executive, but I can see the disadvantages with that as well, so I think on balance the inclusive approach is the one I would go for.

4.3.3 Deputy A.E. Jeune:

Does the Deputy accept that the waste to energy incinerator will now go ahead, as was the decision by the previous House? The contract is signed and sealed and delivery is urgently awaited and we can place our energies now on other things, for example wave power, or in the Deputy's case, perhaps linking-up cycle tracks?

The Deputy of St. Mary:

Yes, I will not be promoting cycle tracks as a specific goal. No, the Energy from Waste plant has been approved by this House and certainly would not be revisited by the panel. It would not be the

job of the Scrutiny Panel to do that, that is dead and buried, I suppose - to coin an expression - as far as the work of the Scrutiny Panel is concerned.

4.3.4 Connétable D.J. Murphy of Grouville:

In view of the current very low prices for recycled items, i.e. I believe the price of paper has dropped from £73 a tonne to £7 a tonne and that you cannot even give away recycled plastic bottles, how far does he think we should go in order to subsidise recycling as opposed to incineration?

The Deputy of St. Mary:

Are you asking for a personal view and not a view of what sort of work programme the panel would look at? I did say that a possible thing to look at, and it would be quite a quick exercise, would be to see what recycling targets were elsewhere and also achievements elsewhere in the field of recycling. I think that would be a worthwhile exercise to bring that bang up-to-date, simple tables of what was happening elsewhere but with a bit of gloss to make sure that you were comparing like with like. I think that would be a useful exercise. I take your point about prices, my understanding is that the prices are rebounding already and that the drop, the catastrophic drop, has already happened and is now passed, but that is only my understanding.

4.3.5 Deputy J.A. Hilton:

The States recently approved additional funding for the town park in the sum of £7.5 million. The creation of the new town park is at a crucial stage. The delivery of the park relies heavily on creating the car parking spaces lost in another location. If the candidate is successful would it be his intention to scrutinise the decision as a matter of urgency? Thank you.

The Deputy of St. Mary:

I am not quite clear which decision you are asking me to scrutinise?

Deputy J.A. Hilton:

The decision to create an above-ground car park on the Ann Court site.

The Deputy of St. Mary:

I did mention the issue of saving space in town by having a successful, more successful bus policy than we have at present. I think it is the goal of this House to have a bus policy that really does deliver and I would question the targets in this document which is so out of date that what is in the future in here is already passed by about a year. So this is the consultation paper on the Integrated Travel and Transport Plan. It is a bit difficult discussing things that are old and so on, but I think if the bus service was properly reviewed and really brought up to speed you might have to ... this House might want to revisit those aspects of how much car parking is needed, but that is obviously an important part of that whole picture.

4.3.6 Deputy M. Tadier:

A question regarding investment, really. I note the Deputy's comments with interest. I agree that we do need investment. Does the Deputy think that it will be difficult to convince the rest of the House of long-term investment which is needed which could in turn be self-funding?

The Deputy of St. Mary:

Yes, thank you for that question. Investment: there is a lot of misunderstanding. This document here, the Integrated Travel Plan, talks a lot about cost. It goes cost, cost, cost but it does not talk about benefit. It does not put the 2 in the same sentence, cost benefit analysis, and that is what is needed and if we were to look at this we would certainly do cost benefit analysis of one kind or another on the bus service to see what the true costs and benefits were and I believe that if this House understood the implications of having a bus service that secures real transfers from the

private car to the bus I think this House would find that the benefits were very substantial, and in that sense when you use the word “investment” you are using the right word, because there might be an upfront investment to achieve those benefits down the line and achieve considerable savings both in finance and in other terms. Thank you.

4.3.7 Senator P.F.C. Ozouf:

The Assembly decided to approve the Waterfront Master Plan. Could he explain whether or not he supports that decision of the States and what plans he would have to scrutinise any aspect of the Waterfront Esplanade Square development?

The Deputy of St. Mary:

I was not aware that this Assembly had taken a final decision on the Waterfront. My understanding is that we have, or rather this Assembly, in its previous incarnation supported the Waterfront but it is my understanding that that decision still has to come back to the House in a couple of forms - the specifics of the agreement to have Harcourt as a principal developer and I think there is another element too but my memory escapes me on that - so I do not think that is a done and dusted deal and certainly if Harcourt was to disappear under the waves would this Assembly have considered that they were going to develop the Waterfront?

4.3.8 The Connétable of St. Saviour:

Given the candidate’s strong views on the environment, does he feel he can be adequately impartial as Chairman in that if an item comes up that he might not personally agree with he could be neutral in his chairmanship?

The Deputy of St. Mary:

Absolutely. I am a firm believer in evidence and I took extensive part in the Lancashire Structure Plan when that was going ahead in the 1970s and it is all evidence-based, all the documentation, that was a model of how evidence should be categorised and presented in reports and so on. It was a very good exercise so yes, it is a matter of ... buried in those things are always value judgments but of course evidence is evidence, so the way you go looking for things is obviously going to be influenced by your basic standpoint. Otherwise I would not bother with being on the Environment Scrutiny Panel, I would go off and be Chairman of some other panel, so clearly there is a commitment, as I said, to the environment. There is only one and we have to sustain it and we have to protect it and that goes for the local and the global environment. So that is non-negotiable but clearly the best way to do it is always a matter of evidence and always a matter of balance and how you can take people so far but maybe not all the way that you would like.

4.3.9 The Connétable of St. Helier:

The previous president of T.T.S. was a great apologist for the bus service and I am surprised that the candidate has spoken a great deal about the buses but has not mentioned cycling, knowing the background of the candidate. Would his panel review the role of cycling in a sustainable Island, and in particular the health benefits and improvement of air quality?

The Deputy of St. Mary:

Well, yes, cycling is definitely part of the mix. I suppose I treat it as something that I am known for and so I do not bang the drum particularly, although obviously I mention it in connection with knowing the Island backwards because I think that is quite important, that immediately someone says such and such I go: “Oh yes, seen that, know what that looks like, know what that feels like to be there”, so I think that is quite important. But, yes, clearly cycling is part of the mix and again has probably been underplayed, although this document does make quite good reference to promoting cycling and walking, but I would have to look at the details to see ... and hopefully some new plan, whenever it emerges, to see whether those measures are adequate.

4.3.10 Deputy I.J. Gorst:

Given the candidate has held out considerable hope for a reviewed bus service dropping car use and all that that implies, I wonder if he could give us a brief outline of how he believes that will work, considering that other jurisdictions also struggle to reduce the use of the car?

The Deputy of St. Mary:

Well, that is interesting, because back in the 1970s I read in detail about the Stevenage Superbus experiment, which was ... and remember the 1970s was the heyday of the car, everybody wants a car, this is the car society, and that experiment was run by the then Department for Transport to evaluate exactly, using cost benefit analysis, whether it was better to put in place a super duper bus service and whether that would achieve more benefits than promoting the car and providing for car use. So they put in train this aforesaid super duper bus service with marketing support at the beginning, as the Deputy of St. Brelade mentioned, investment at the beginning with a massive input at the start to encourage people to start to use the bus. The outcome was very closely monitored and analysed from the economics point of view and the conclusion was that there was a huge gain in economics terms of promoting bus use over providing for the private car. It is not quite the same issue in Jersey but what that study showed was that if you do the right things people will transfer, so I do not have any doubt in my mind about that. There are however of course other issues and we have now had 25 years of car advertising since the 1970s and that has an effect on the way people perceive the act of driving and I have just read a paper last night about that. So there are psychological issues as well as practical issues like whether people get on a bus or not, but I know from the questionnaire in St. Mary and people's response and people on the doorstep also, I know that people are wanting a bus service that delivers at the time and the place that they want. So I think that is an issue obviously that the panel would look at, again with reference to other countries and to places in the U.K. but I think the general point is proven.

4.3.11 Deputy R.G. Le Hérisier:

How would the candidate ensure that there is a clear line between what one might call evangelical zeal for environmental policies and an objective analysis, and secondly would he agree that the bus service be revamped to take in tours of the Christmas lights in St. Aubin? **[Laughter]**

The Deputy of St. Mary:

I am absolutely sure that there should be an around the Island service taking in the Christmas lights at St. Aubin and we probably ought to have a hopper bus service running on very little tyres running to see the St. Helier lights as well. No, I think I have covered the point already about evangelical zeal and being fair and exact with the evidence. I happen to believe that arguing with the environment point of view is a fairly fruitless exercise, provided you go deep enough and provided you look at the evidence and then it is very convincing, and that is why I was talking about the involvement of the public and the importance of bringing the public with us. I mean, there are still doubters out there, possibly many doubters. There are also many enthusiasts and there are many people begging this Assembly to get on with it in various areas to do with the environment, so there is a balance there to be struck but I think it is a matter of taking people with you.

4.3.12 The Connétable of St. Lawrence:

What does the candidate know of the role of the Chairmen's Committee and what value does he think he would lend to it?

The Deputy of St. Mary:

Sorry, I am not sure if the questioner is inviting me to also run for the Chairman of the Chairmen's Committee?

The Connétable of St. Lawrence:

No, I was not. It was a specific question and the candidate did mention in his speech that he had undertaken some reading on the role of Scrutiny. I would therefore have expected him to have found out a little about the role of the Chairmen's Committee, so to go back to my question what does he know of the role and what value does he think he would lend to it? If elected he would automatically be a member of the Chairmen's Committee.

The Deputy of St. Mary:

Yes, understood. No, I thought you were referring to another chairmanship. No, clearly as a newbie on that committee, and I think all the other members would be experienced Scrutiny Panel chairmen, then obviously I would do a lot more listening than talking on that committee. But the panel would have developed a programme of work and the idea of the Chairmen's Committee is to co-ordinate that and to look at where there might be clashes and resource implications, particularly with the staff and research and so on, so obviously one would just play one's part within that committee to make sure that the Scrutiny function operated properly.

4.3.13 Deputy A.E. Jeune:

In his address the Deputy mentioned review of the bus contract. Does he mean review the content of the bus contract prior to tendering for the next period, given that the current contract is already running?

The Deputy of St. Mary:

I would anticipate, and here again one would look for advice from fellow members who have been there and seen this, but my preliminary view is that if you are going to look at the contract you have to look at the contract. I think there are serious concerns in this House about the bus contract and certainly outside the House there are serious concerns and we want value for money and the only way you can ensure that is to go through it with a toothcomb and make sure that the contract matches the results of the results of the review and to what we want out of our bus service and to whether the goals of the bus service as stated here are being met and could be met better. So once you have established that and where the bus service could go and how possibly usage could be increased and so on to meet the aspirations of the people out there, then you need to go to the next step. I really think it is too late to wait for the next contract to be done and dusted again, so obviously in consultation with T.T.S. and the Minister one would see how that can best be done, but yes, I would think it is a logical continuation to consider the contract.

4.3.14 The Deputy of Trinity:

With his strongly held environmental policies, some of which come at a cost, what are his views on environmental tax?

The Deputy of St. Mary:

Again my personal views on environmental tax may not be the views of the panel. It could be an area to look at, but my personal views are that if you keep taxation neutral and switch taxation from other areas to environmental 'bads' that can only be a good thing. There are certain things that ... behaviour that we would want to modify as an Assembly and the people out there know: "I only do this because it is easy to do but it is bad for the planet and bad for Jersey" and I think environmental taxes are a useful way of steering people in the right direction. So I guess that is my view.

4.3.15 The Connétable of St. Brelade:

There are some with the opinion that mains drains should be extended to those properties that at present are not connected. Does the candidate agree with this philosophy and if so, how does he think it should be funded?

The Deputy of St. Mary:

My view on mains drains came out at the hustings one day at St. Mary where I was asked more or less the same question. Again that really is a matter for evidence and you just look at the cost benefit. There are issues around tight tanks which has been mentioned in this Chamber already, I am glad to say, and constituents are on to me about it. It really is a matter of does it work to connect up the final 17 per cent, I think it is the Deputy of St. Martin mentioned - I think 17 per cent of people still are not on mains. It really is a matter of looking at that policy and seeing what delivers the most benefit at the least cost and weighing-up the different ways of doing this. There is an issue of unfairness which is a separate issue and part of that problem, and that definitely ought to be looked at.

4.3.16 Senator P.F.C. Ozouf:

Does the candidate support the Waterfront Master Plan?

The Deputy of St. Mary:

You want to get an answer out of me on this. It really again is ... I doubt whether... **[Laughter]**
[Approbation]

The Bailiff:

Deputy, that is not a parliamentary procedure. I invite the other 2 candidates to return to the Chamber.

The Deputy of St. Mary:

Just a quick comment, if I may. I did not get the customary foot stamping for my maiden speech.
[Approbation]

Deputy G.P. Southern:

The correct voting, if for the Deputy of St. Mary, should say: "Deputy of St. Mary", not: "Deputy Wimberley", is that the case?

The Bailiff:

Yes, the correct reference to both Deputy Rondel and Deputy Wimberley are Deputy of St. John and Deputy of St. Mary respectively. But the Greffier reminds me there will not be a spoilt paper, if that is too difficult to remember. **[Laughter]** All Members place their ballot papers in the urns and I will ask the Attorney General and the Assistant Viscount to act as scrutineers.

Senator B.E. Shenton:

Sir, could I suggest we find out what candidates there are for the next panel, please?

The Bailiff:

Well, I need first to be assured that Deputy Duhamel, the Deputy of St. John, the Deputy of St. Mary will not be candidates in the next ...

5. Appointment of Chairman of the Health, Social Security and Housing Scrutiny Panel:

The Bailiff:

Very well, well we can certainly ask for nominations for the Health, Social Security and Housing Scrutiny Panel.

Senator S.C. Ferguson:

Can I propose Senator Alan Breckon?

The Bailiff:

Yes, Senator Breckon is proposed and seconded? **[Seconded]** Are there any other nominations for the Health, Social Security and Housing Scrutiny Panel? Constable of St. Helier?

The Connétable of St. Helier:

I propose Deputy Paul Le Claire.

The Bailiff:

Is that nomination seconded? **[Seconded]** Are there any other nominations for the chairmanship of this Scrutiny Panel? Very well.

Deputy M. Tadier:

May I take this opportunity on behalf of the new inductees to thank the Greffier's Department for what has been a very effective and useful induction period? **[Approbation]** I believe I speak on behalf of all of us, they have been most helpful beyond what they may have been called to do and it is appreciated.

The Bailiff:

Thank you very much, Deputy. If I can say from the Chair that new members seem to be at least as adept as old members at speaking through the Chair and observing good order. I am sure that is due to the Greffier. **[Laughter]**

The Deputy of St. John:

Through the Chair, except the remould.

The Connétable of St. Mary:

Sir, I wonder if I might ask you for your guidance from the Chair. It seems evident that as there will be an election for the last panel we will not be, I presume, doing that before lunch. Is there any possibility we could move to the Chairman of the Overseas Aid Commission before lunch to fill the time?

The Bailiff:

I am sorry? There are no speeches certainly for that. It is a matter for Members. I think we can deal with Overseas Aid before the next Scrutiny Panel.

The Connétable of St. Mary:

May I propose that, then?

The Deputy of St. John:

Sir, on a point of order, there may be a likelihood that if I was not successful then I might want to put my name forward.

The Bailiff:

I understand there are going to be a number of candidates, Constable, so that the voting process itself is likely to be quite lengthy, even without speeches.

The Connétable of St. Mary:

I will be guided by that. I will withdraw the proposition.

Deputy R.G. Le Hérisier:

I am sure we could get the Overseas Aid Commission done before lunch, even with 5 candidates.

The Bailiff:

Shall we wait and see how long this voting process takes, Deputy, and then make a decision?

The Deputy of St. John:

At this moment while we are just having a little chat among ourselves, if I could say how pleased I was with the questions put to me but I was expecting some more in-depth questions given the hard time I have given many a politician in previous years. **[Laughter]**

The Bailiff:

I can now announce the result of the first ballot: 13 votes were cast for Deputy Duhamel, 16 votes for the Deputy of St. John, 19 votes for the Deputy of St. Mary. Deputy Duhamel therefore drops out on the first ballot and I ask the ushers to circulate the voting slips for the second ballot as between the Deputy of St. Mary and the Deputy of St. John. There seem to be, if I may say this from the Chair, one or 2 members in the precincts. If they wish to vote they should return immediately to their seats. If all Members put their ballot slips in one or other of the urns, I will ask the A.G. (Attorney General) and Assistant Viscount again to act as scrutineers. If no other Member wishes to raise any matter of order I think I shall adjourn the Assembly for 2 minutes while the voting takes place.

ADJOURNMENT**The Bailiff:**

I can now announce the result of the voting in the second ballot: 27 votes were cast for the Deputy of St. John and 22 votes for the Deputy of St. Mary. I therefore declare the Deputy of St. John duly elected. **[Approbation]** How do Members wish to proceed? We have 10 minutes until the ordinary adjournment.

LUNCHEON ADJOURNMENT PROPOSED**Senator T.A. Le Sueur:**

I think it is unrealistic to ask candidates again to split their time in this sort of situation and I propose the adjournment, it is a matter in the hands of the Members. Last time we finished late I suggested we could come back later. Today as we are finishing at 12.35 p.m. I do not know if Members would be interested in coming back at 2.00 p.m.? I will just test the water and put that suggestion to the House.

The Bailiff:

Very well. Do Members agree to ...?

Senator B.I. Le Marquand:

Sir, I have a lunchtime business appointment to do with the Fire Service and I think that will cause myself and Deputy Hilton some difficulty.

The Bailiff:

Well, it is a matter for Members. The proposal from the Chief Minister is to adjourn now and reconvene at 2.00 p.m. I put that to the vote. Members wishing to adjourn now and reconvene at 2.00 p.m. kindly show? Those against? I think there is a majority in favour of the proposition, so we adjourn until 2.00 p.m.

LUNCHEON ADJOURNMENT

**Appointment of Chairman of the Health, Social Security and Housing Scrutiny Panel:
(...continued)**

The Bailiff:

There are 2 candidates for the chairmanship of the Health, Social Security and Housing Scrutiny Panel and Deputy Le Claire was the second to be proposed, so may I ask Deputy Le Claire to be kind enough to retire to the room and I call upon Senator Breckon to address the Assembly.

5.1 Nomination - Senator A. Breckon

Senator A. Breckon:

The reason I am standing again for this post, having been there for 3 years is, as other Members have mentioned this morning, I believe, and I really do believe, in the importance of Scrutiny. These particular areas, Health and Social Services, Social Security and Housing have a combined budget of about £300 million and a staff of about 2,600 or more. Contrast that to the Scrutiny role where you have a budget of about £85,000 and 2 staff. So believe you me, I tell members that you have to be very effective where you look at and how you do that. I just want to share with members the style that I have used in the last 3 years. We had 3 other members, Deputy Power who was the lead member for Housing, Deputy Le Hérissier who was the lead Member for Health and Deputy Martin who was the lead Member for Social Security. Such is the quality of my leadership I believe they are all about to leave me. **[Laughter]** However they are going on to perhaps bigger and better things, who knows? When I first was elected to the panel the first poison chalice I was passed was the perceived health effect of mobile telephone masts and at the time some Members may remember there was a bit of an untidy process that was going on between whether we should have a committee of inquiry, whether Scrutiny should look at it, whose responsibility it was and at the time I did not even have panel Members. But with the co-option of the other people, the Deputy of St. Peter, Senator Shenton and the Constable of St. Brelade, we did manage to make sense out of it and I think it was a positive review, although it started badly. The reason I say that is I think one of the lessons I learned from that process was the positive connection we made not just with Ministers but with the public and the outcome was that the Minister for Economic Development made recommendations based on the outcome of that, as indeed did the Minister for Planning and Environment and indeed the Minister for Health and Social Services - and, although Senator Shenton was an early Member, he was then Minister for Health and Social Services at the time. There was also some excellent officer work. But I think what it did is it demonstrated the positive side of Scrutiny. We also engaged with the Jersey Competition Regulatory Authority and there is now a website with telephone masts on and there is regular monitoring of that. But it was a good example I think of engaging with the people because people were sceptical: "These things are going up, what are the effects?" and I think we did engage on that. I remember there was a meeting at the Parish Hall at Grouville where some of this came from and I think we did effectively get people to believe that we were trying to make a difference and we had a good, I think, public engagement, there was a good consultation, we had meetings, hearings and I think the outcomes were very positive and I think it is a lesson that we can all learn from. The other thing I must praise at this point is the work that Deputy Martin did on income support which is incomplete because as we know it is a living and breathing thing. A number of reports were produced, amendments were brought to this House and again there was some sterling work done but still some work to do, and that I believe will roll out. The complication of that is 14 benefits come together: obviously there were going to be some problems and I think Scrutiny has an important part to play in the future of that. There are also some issues at Social Security about the quality of these statistics, the information received, not just about employment but unemployment and we expressed some concerns about the under 25s and that is possibly another area where we would perhaps like to look. Also the registrations: how many registrations were there, because it affects the other issues that the panel has responsibility for, in particular Housing. If there is an increase in employment numbers - and we have seen that in the last 12 months to June of about 1,500 - then it is of consequence for all of us, and I think it is something that Scrutiny should be aware of and indeed looking at. There is also the issue of supplementation which is now in excess of £60 million and it is not that long ago it was £50 million, so it has gone up in about the

last 6 or 7 years by a considerable amount. There is also some cross-panel reference in *New Directions* which has now become known as Old Directions, it was from Health and it has some significant impact across Housing, Health and Social Security and hopefully that will emerge fairly soon, but it is a significant area for Scrutiny to look at and what we have done, we have already selected elderly care and Members I am sure are aware that a report has just been produced in the last 10 days or so and, again, I think that is an excellent report and if Members read nothing else over Christmas then I would suggest they read that and even give it to somebody as a present. Also there were some outstanding issues because this panel was bigger originally and these 3 areas were separated. It used to have Home Affairs and Education but from the previous panel there was the Overdale situation which again has not been finalised; and there was also the G.P. (general practitioner) out-of-hours. So I would suggest there are some emerging issues of which I have an interest in being involved, hopefully not on my own. I have enjoyed the work. There was also, in Housing, a social housing review done, which has not yet emerged: I think it is still with the department. There was the Social Property Plan; there is also the issue of qualifications. We have a census looming in 2011; there is rental deposits; there is work still to be done with Housing because of perhaps some tension there might be with future rental increases with the income support system; and also there is refurbishment of properties. So there are lots of issues there of which we have touched on and we have some excellent support from Housing and also we are very fortunate to have an adviser for the elderly care review, Professor Julien Forder, and the quality of advice and the work done was excellent and something perhaps certainly the Ministers I would suggest could pick up. We did have some issues in the last 3 years about strategic plans and business plans but I think that is an evolving issue because again it is part of the timing, when it emerged from the Council of Ministers and I think perhaps it was a failing of Scrutiny that nobody set aside enough time to look at that on its own. Everybody was fairly busy doing other things. So I think there is some work still to be done, that is why I am standing, to continue the chairmanship that I have started and I believe I can make a joined-up contribution to those areas and also where they touch on others.

The Bailiff:

Thank you, Deputy. The question period for the candidate is now open.

5.1.1 Deputy G.P. Southern:

The candidate is well known as an effective and competent Scrutiny Panel Chairman. What chance does he think he has of getting elected by this House?

Senator A. Breckon:

That is not a question for me, but a question of the House as a whole.

The Bailiff:

I think that is a question for the Assembly, indeed.

5.1.2 Deputy R.G. Le Hérissier:

Given the difficulties that arose with New or Mis-Directions or Non-Directions, would the candidate outline how he would secure a strong and effective working relationship with the Minister and his department without compromising his independence?

Senator A. Breckon:

Before I reply to that I would just like to say that I think Senator Perchard has had a good apprenticeship in that he did serve some time, as indeed Senator Shenton has done, on some of the Scrutiny Panels. I think from that respect there would be a mutual respect in that we will not waste each other's time, we will look at the issues and we will not play games because it is too important for that but *New Directions*, as Deputy Le Hérissier knows, is a massive area and it affects the health and well-being of the population and it is something that we need to look at. But, having

said that, it is a massive area for Scrutiny to look at. So in some respects we will have to be selective in what we can look at because we are not resourced to look at it all.

5.1.3 Senator S.C. Ferguson:

Does the candidate feel that his panel could have made a better contribution to *New Directions* if they had been brought in at the Green Paper stage instead of the White Paper stage?

Senator A. Breckon:

I am aware of at least half a dozen drafts and I know that when it was with Senator Syvret in February last year, that is to say 2007, we were told that we would get a copy of it within about 6 weeks. That never happened because Senator Syvret was ill and then there was a change of Ministerial responsibility and I know Senator Shenton wanted to look at it again. But one of the problems we had is we had twice set aside resource officer time and all sorts of things to look at it but it was frustrating and hopefully it will move on rather than dwell on the faults of it. But it is one of those areas where it is too important to leave.

5.1.4 Deputy I.J. Gorst:

I welcome the candidate's mention of youth unemployment. I wonder if he could just tell us whether he feels there will be time in the coming year for his panel, if he is successful, to look at the whole skills and training initiatives.

Senator A. Breckon:

Somebody had mentioned earlier this morning about the Chairmen's Panel and the role. But one of the difficulties with youth unemployment was - and I know we have heard the Skills Executive but when it was discussed it was not the role of education, depending on how old young people are - is it Social Security, and then Economic Development had some initiatives. So it was a case really of not getting too departmentalised but doing that but there are some concerns and I mentioned the statistics. But I think that is why we need to look at it in more detail because, rather than youth, with young people under 25 if there is an unemployment problem and it is long-term then we need to look at what is the reason for that. If there is something we can do to make quality intervention then we should do so because that will equip those young people to make their way in the world themselves.

5.1.5 Deputy J.A. Martin:

Would the candidate inform us whether, if successful, he would still look at the proposal to turn Ann Court into a car park? There seem to be differing assumptions, one by a Deputy in St. Helier, and the Minister for Housing seems to feel that the decision will lie with this House. If it does, I would think a good scrutiny review into the matter would need to take place. As I say, I am not sure which one is right, the Minister for Housing or the Assistant Minister for Housing, on the assumptions.

Senator A. Breckon:

When I looked at Housing's Business Plan for 2009 there is a reduction in income of about £460,000 rental income for property in Ann Court and obviously that is a concern because somebody is going to lose £500,000. If there is a shortfall for whatever reason it has to come from somewhere. The other thing, the funding for the car park in Ann Court came from the car parks fund which is slightly off balance sheet. It does not go through the normal capital expenditure testing that we approve in this House. It went through in the Business Plan and budgets that we looked at, at the end of last year. There is also the provision of the town park which is dependant on that. But just allied to that, which is not a Housing issue, I did ask for information from Transport and Technical Services about what was wrong with Minden Place Car Park that we needed to knock it down because I am not convinced about that. I was also told that another car park was £1 million to refurbish. So I think it is perhaps something that might exercise the minds

of this House, perhaps in the first quarter, but there are some related issues there. I think the Deputy of St. Mary said this morning have we got a parking accommodation policy? I do not know and at the time the support strategy has not emerged, so there are some related issues. But certainly from the Housing point of view we would certainly look at that.

5.1.6 Deputy R.G. Le Hérisier:

I can testify to the candidate's excellent delegation ability to Members. Would he say that some of the management style he showed on his panel could be transferred to the Chairmen's Committee and, in addition, what other reforms would he suggest to the Chairmen's Committee?

Senator A. Breckon:

I think the Chairmen's Committee had some problems settling-in in the first 3 years but there are areas - there is the example of young people under 25 unemployed - where Ministers and indeed Scrutiny should be working together to get a result. Regarding that to the Chairmen's Panel, I think I never used to look forward ... I mentioned earlier the sterling work done by Deputy Martin and also by Deputy Power and there is the option for the chairman to delegate to another Member to attend and when Deputy Martin had been to one meeting she shook her head and said: "Never again", because it was a difficult period. I think Deputy Power had had wind of that and he always said he had something else when I asked would he attend in my place. But, having said that, I think it has now found a level but it is a function that we need to use because it is very important, the Chairmen's Panel, in bringing together the various roles and actions of Scrutiny and liaising with the Executive and how. For example, Standing Orders; if there are problems there it should go through the Chairmen's Panel. One thing where it did work is, for example, with one of the Housing panels we had an expression of involving the Connétables and we could not do that as we sat as a whole panel. Somebody had to step aside and we said: "Well, this is nonsense. We should be able to have a whole panel and co-opt somebody." So there are issues where the Chairmen's Panel has been effective but I think it will grow and develop in the next 3 years.

5.1.7 Deputy A.E. Jeune:

Today's paper comes with a report on Scrutiny's serious concerns in relation to some elements in some places for elderly care. Does the Senator feel confident that the Minister for Health and Social Services will take up these concerns as a matter of extreme urgency?

Senator A. Breckon:

Some of the concerns were expressed in a review done by a former sub-panel on Overdale and Scrutiny gave access to anybody who came to us, including individuals, some of whom expressed concern about some level of care, treatment, cost, whatever it may be. What we did do is we had a good working relationship with the officers at Health. We referred those to the appropriate case because if you get something like that you cannot sit on it. It all becomes part of a review. It must go ahead. Action is required and indeed investigation is required and we did do that. But, again, there were some general concerns in that report about a number of issues. I would say that there needs to be areas that we are working together on and - I am not wanting to put words in his mouth - I am sure the Minister for Health and Social Services would agree with that.

5.1.8 The Deputy of Trinity:

With the size of *New Directions*, does he think that his panel will be busy the first year or would he give time to other matters such as elderly care?

Senator A. Breckon:

We did pick up the elderly care issue because it was mentioned in a number of areas. It was in a report from Social Security and it was also in the Strategic Plan and some of the business planning. But I think there are some things which are functional which can be taken out of *New Directions* but some is about lifestyle and it is about promotion and some of this work in fact has already

started - healthy eating, obesity and things like that. So I think, hopefully, as this develops in 2009, I think we should be able to, as a Scrutiny Panel, start ticking off some of the boxes because I think some of the issues are being looked at. But the Deputy of Trinity is right; it is a massive area and one where if you start investigating the whole lot, I think you will get lost. So you need to be selective and pick 2 or 3 areas to look at in more detail.

5.1.9 The Connétable of St. Brelade:

Excessive alcohol consumption is shown to have far-reaching effects on our future health in the Island. Could the candidate give us his views on that matter?

Senator A. Breckon:

It is not just that. If you look in the reports for Health and Social Services, dependency, the methadone programme and things like, it is an area that was looked at by a former panel chaired by Deputy Dorey. I was at a conference in Ireland where this report was presented as part of a different strategy, I think; addressing the people with the problem rather than just talking around it. I think there is some work to be done there but there needs some quality investigation and some quality intervention because where people may have dependency on whatever it may be ... as a former smoker I had a dependency. So whether they are legal or illegal drugs, I think we need to look at that and it would be one of the items, I think, which the new panel, whoever they may be, would have on their agenda and then see where the priorities are.

5.1.10 Deputy C.H. Egré of St. Peter:

If I can just commend the candidate for his previous work in Scrutiny. I had the privilege of serving as his Vice-Chairman early on and learnt a lot from that exercise. This is a very broad panel. What would the Senator's priority be in each of the 3 departments covered by this panel?

Senator A. Breckon:

Again, it is looking at what has progressed in the last 3 years, and there are some outstanding issues, and what is proposed in business plans and what comes out of the Strategic Plan and what the priorities are. But, in general terms, quality and affordability of housing is still an issue. Health care issues, people do not always appreciate them until they need them and then people are generally complimentary. The same as Social Security and income support system; it is a system that has been in place for a long time which people appreciate. So in all those areas we would look at that because I think there will be some emerging issues in all those areas; social security - maybe an increase in contributions, what do people want. There might be some sort of road show. Again, with Housing, there are emerging issues. People still have aspirations to buy. With Health, it might be that the elderly care issue is going to be linked with Social Security and linked with Housing. So, again, I think there are some crossing issues there for the panel to look at and I think that is why, although it is a big area, I think it fits because you have got that synergy.

5.1.11 The Deputy of St. John:

Could I have the candidate's view of health tourism as we have seen recently in the media?

Senator A. Breckon:

As the Deputy of St. John knows, Scrutiny is evidence-based so what I think any panel would like to see is the evidence of that and see if people are being treated, what for and how long they have been residents. I mean if people come on holiday and have an accident, these things are not an issue. We must be compassionate but, at the same time, if there are resource implications to some of this ... but I would like to see the evidence - and obviously I do not want to see patients' records, it is just a case of the general thing - and if there is an issue I am sure it is of as much concern to the Minister for Health and Social Services.

5.1.12 The Connétable of Trinity:

Could the candidate indicate if they do look at the Licensing Law at all would they also look at the length of hours that the Licensed premises are allowed to stay open?

Senator A. Breckon:

I am not sure if it fits. It probably would be best with Home Affairs if there were some health issues related to that. Again, if there were other problems associated I do not think they would necessarily come under Health. But if there are some addiction problems then they would come under the Health banner.

5.1.13 Deputy A.E. Jeune:

Does the Senator consider it would be relevant to liaise with the Home Affairs Scrutiny Panel given that the Minister for Home Affairs considers prisons have been used as a dumping ground for offenders with mental illness?

Senator A. Breckon:

Again, this is an area where the last review done by the panel on elderly care dementia is a serious issue, as indeed are some of the mental aspects. If what was said by the former Magistrate is correct then it needs obviously investigating. But, again, the Scrutiny process would be evidence-based and, again, you would be relying on a clinical assessment from somebody in the prison I am sure if there is a cross-issue then the role of the Chairmen's Panel is to share that and to do something because there is a community benefit.

5.1.14 Senator S.C. Ferguson:

Would the candidate in his Housing capacity be prepared to work with Planning and Environment with a view to looking at more affordable housing using modern construction techniques which bring down the construction cost?

Senator A. Breckon:

Indeed there is a very real issue, the thing about sustainability. But the other thing that I know the Minister for Planning and Environment is keen to do is to show that there is a local element to construction. So I do not think we want cardboard boxes piled up on top of each other. It needs to be something with perhaps granite and things like that, and some local features, in other words the use of glass and steel. But if there is something in there where people are living in warm secure homes then I think that has to be for our benefit and I know the Minister for Housing would be the same. If there is a cost attached to that then we must get the best value and do things that are in the longer term as well.

5.1.15 Connétable K.P. Vibert of St. Ouen:

Would the candidate give us his views on the impact which the ageing population is going to have across these 3 departments?

Senator A. Breckon:

Well, I should say firstly that I hope to be part of it because it is perhaps considered as a ticking time bomb. We all get that little bit older and then hopefully the idea is we are all fit and then we fall off the perch fairly quickly, but that does not happen. But as people have levels of dependency... I hate to use the "G" word but Guernsey have a system where they assess people who need 4 hours of care in the community and that is where their priorities are they are doing some excellent work and it is keeping people at home. I think we still have a lot to do in those areas. We cannot just lump it on Family Nursing and Home Care and tell them to get on with it. We need to put it through the Parishes, through the G.P.s, through the Carers Association. There are lots of things there working together, I think, where as a community we can benefit. I mean, putting caretakers back in blocks of flats and things like that. People cannot change a light bulb; some of the simple things, sometimes somebody can get shopping or things. But it all effects the ageing

population because if people can stay where they are most comfortable, which is usually in their own home, then perhaps we can do more there. But, as Health have said in *New Directions*, this is not the cheap option. This is an option but not necessarily a cheap one.

5.1.16 The Deputy of Trinity:

With so many charitable organisations playing a very important part in Island life, how would he ensure that their voice was heard and their independence maintained?

Senator A. Breckon:

I mentioned before we had an excellent adviser ... and it is not just charitable organisations. It is people who provide a level of care for other people. The estimate in the U.K. was it equates to £89 billion which is more than the budget for the health service in the U.K. so we must appreciate it. But the other thing we must do, and it is a weakness which we have already pointed out and the Minister for Health and Social Services is aware of - for example, there are only 7 respite care beds - we must provide care and support for the carers. There are all sorts of things we can do, not just for organisations in the community but also for people who are supporting others in the community. We must provide support for them, not just financial but genuine support that helps them on a daily basis.

The Bailiff:

Very well, that completes questions of Senator Breckon. So, Senator, I would you ask you to be kind enough to withdraw and if Deputy Le Claire could return. Very well, when you are ready, Deputy.

5.2 Nomination - Deputy P.V.F. Le Claire

Deputy P.V.F. Le Claire:

These elections should not be about, as some might wish them to be about, Council of Ministers versus Scrutiny or indeed any group of Members against another group. These elections are about the process of government and it is very important that we get it right. I support strong, disciplined, structured Scrutiny. Ministerial Government cannot function in the way it has been set up to function in Jersey without it. By the year 2035 it is expected that one in 3 of our citizens will be over the age of 65. The demands on services proposed by our ageing population will be significant. The combination of people living longer and the need to care for a greater proportion of dependent Islanders will provide serious challenges and they will also create significant resource issues that we must address. All sectors - the voluntary, the public sector and the private sector - must be considered as they work together to develop new systems. It is important that we understand these new systems that will use up-to-date technology to provide the type of response to these ageing demographics that we need to. This will require us to consider not only the 3 departments but their private partners within the community. I believe that we need a panel that takes a very progressive stance in the way it works and, to that end, delegation of duties and co-option on to sub-panels will be my favoured way of working should the Members decide to support me today. I would wish the panel, once it has been formed, to assign a Member to each of the 3 Ministries and give special responsibility to those Members for that Ministry. With 4 Members, the remaining Member would work with me, if elected, in a co-ordinating role. I would wish that we would hold regular surgeries on all 3 Ministries with the public at least once a month, preferably at a time and in a place that engages the public to take an active role in what we are trying to do for them. I would wish, if elected, to empower those Members that would wish to work with me in a way that few have chosen in the past. People who know me - Members especially - know that although I am a high profile politician I am not one that selfishly scores the goals. I am quite happy, and have been in the past, to pass propositions or withdraw propositions in favour of other Members taking those to the States who have better delivery and more practical support in the issues that I believe in too; the reduction of the voting age and the referendum enabling law being 2 that Members may recall. In

this regard I would like Members to know, if they do not already, that I am happy to pass the ball but, most importantly, not the buck. The overall responsibility of the panel would fall upon me, if elected, and I would endeavour to deliver to the best of my abilities for the States and for the Island of Jersey. I would ensure that each Member also, though, had carefully written duties and responsibilities that were acceptable to him or her before sharing that responsibility with that Member. In that way there would be no obstruction to progress and no doubt whose responsibility it was to achieve that and whose responsibility it could be considered by the panel as a whole if they were to fail in that clearly defined duty. From an experience perspective, I have served on various committees since I was first elected to the States 10 years ago. I served on Health and Social Services, Public Services, Human Resources. I was a member of the States Committee of Management for P.E.C.R.S. (Public Employees Contributory Retirement Scheme), the pensions committee. I was a member of the Privileges and Procedures Committee, the Overseas Aid Committee, the Special Committee to Consider the Constitution of the States of Jersey, the Shadow Economic Affairs Panel, the Arts and Healthcare Trust and, most recently, I have been part of the Environment Scrutiny Panel for about 18 months now. On Health: I was taken on board Health by the former Senator Shenton and tasked with developing a smoking strategy. My enthusiasm they thought would be best tempered with a small degree of political responsibility. I enthusiastically took up that responsibility and produced, in conjunction with the officers, in full consultation, a measured and carefully thought through smoking strategy to the committee which was adopted by the committee and later - regrettably much later - tabled to the States Assembly by another committee. In conjunction with the Health and Social Services Committee and with the Deputy of St. Martin I also was tasked to review the alcohol strategy and we began work in that important area. In working with the Health, I believe the issues that would be of importance would be in the areas of preparedness for pandemic flu possibility to ensure that any emergency was satisfactorily catered for, to look again at the provision of healthcare from France should the reciprocal health agreement be terminated, and to ask for an independent review of the hours that are currently being worked by the doctors and surgeons and nurses in the hospital. In terms of Social Security, I would need to concentrate on reviewing access to the G.P.s and healthcare; the long-term care for the elderly and the means to pay for it; supplementation, which I think I would need to set up a specific subgroup for because I do not have expertise in that important area and it is a complex process; and I think we would need to review the work that is going to be done by the Social Security Department. Once they have produced their report, which I believe is coming through, there would need to be a particular delegation in that regard. I am particularly interested, as Members know, in skills training and youth employment and I have already, and without reservation, offered my enthusiastic suggestions and unconditional support to the Minister in these areas to ensure that people are trained, retrained and given proper access to work, especially for those that were born, educated and have their homes and families in Jersey. In Housing, the Housing Department provides about 4,500 homes to Islanders. It houses about 13,000 people. It is both a landlord and a benevolent safety net to many people and any attempt to modify and innovate or change that structure has got to be done in an integrated and considered manner. I am interested in population issues, as many Members will recall. I am concerned, although willing to be **[Interruption]** to be informed about the reduction, which concerns me, I have interest in understanding whether the (j) category and the share transfer properties and first-time buyer houses are not being put into competition with each other. I would like to see if we could challenge those. With only one minute left to go and so many pages, I think it would be remiss of me to not say that I think the States are due to face some very serious challenges in the near future. I think it is important that we engage as many people both within the States and outside the States to meet those challenges. Thank you very much.

The Bailiff:

Very well. Now questions, Deputy Lewis.

5.2.1 Deputy K.C. Lewis:

I am well aware that the Deputy has been very vocal on health issues over the years. My question is should the Deputy be successful, what would be his 3 main priorities?

Deputy P.V.F. Le Claire:

In terms of Health, if we are talking about specific actions on the issues that are affecting health the most in Jersey, I think it is very important that we start to take care of the alcoholic issues that are going to be presented by the Minister on the 18th. We are going to have some very informed opinions at that time, and the new statistics will be released by the Medical Officer of Health. Alcohol, the treatment of alcoholics, and the education of that issue is a hugely important issue. Further work needs to be done on smoking and I think that is under way. The third area which I think needs immediate review independently - I would look straight away for an independent review - is the practices within the General Hospital compared to those within the United Kingdom in terms of hours and duties.

5.2.2 Deputy R.G. Le Hérissier:

Given the Assistant Minister and now the Minister's involvement in social services and children's services, would the candidate comment on whether he feels Scrutiny should be involved in the kind of discussions and the kind of issues that are swirling around that service at the moment?

Deputy P.V.F. Le Claire:

I was very pleased to hear that the Minister has put forward plans to restructure the department and is to present proposals in that regard to the Council of Ministers and bring those proposals to the States Assembly. I think, knowing Senator Perchard as I do, that those will have been well thought through and will have been attended upon by himself with high regard. I do not believe it is this panel's job to go trawling through matters of things that might be before the courts, and I think that what we need to concentrate on is improving the services for the future and let the independent reviews concentrate on the past.

5.2.3 Deputy M. Tadier:

I think we are all aware of the Broadlands fire which occurred earlier this year. I think we also acknowledge the contribution that immigrant workers make to the Island, even though they may have no democratic representation in our Island. The question is does the Senator acknowledge that certain living conditions for immigrant workers are substandard and is this something that his Scrutiny Panel would like to look at?

Deputy P.V.F. Le Claire:

I was born here, but my mother came here from Scotland and lived in very limited conditions. I have seen those conditions. I think it is very important that we not only look at those, because I think they are understood, but we make other people who are unaware of them look at them as well. I think there is a general misunderstanding by a large section of the community about what kind of living conditions we are talking about. Recently, a former Deputy - I will not mention his name - was taken to a lodging house, shown a room and after they had had discussions with the people, he asked where the bedroom was. He could just not take on board the fact that the room was the entire accommodation. So, I certainly think it is high time that we looked at those issues.

5.2.4 Deputy A.E. Jeune:

Does the Deputy consider it would be relevant, if he were to be appointed Chairman of this Scrutiny Panel, to liaise with the Home Affairs Scrutiny Panel given that the Minister for Home Affairs considers prisons have been used as a dumping ground for offenders with mental illness?

Deputy P.V.F. Le Claire:

Absolutely, I think that is a very relevant question. Also, most importantly, with the issues that have been highlighted in terms of incarceration for people with mental illnesses, we not only see that in terms of the reports that are coming before us ... there was a very important one done on the long-term care of the elderly which said there appear to be difficulties in providing mental health assessments to the number of people requiring them. So there is obviously a need in that area for us to not only assess people with mental health issues - and there is a growing number of them - but also not to repeat the mistakes that have been made in the United States where vast numbers of people are merely locked up for 23.5 hours a day and given medication. It is completely wrong to do that. I would certainly be liaising with the Minister.

5.2.5 The Deputy of St. John:

Will the candidate please inform the Assembly, as panel work is evidence-based, what his views are on health tourism or whether he will be examining that area or not?

Deputy P.V.F. Le Claire:

That is a very interesting question. It is a question that I myself asked of the Minister for Health and Social Services in May. As usual, when you put a question forward, sometimes you word it in such a way that it is wrong. I worded it as: "Was the Health Minister concerned about the numbers of prescriptions that were being handed out, given that we had given free prescriptions, in terms of health tourism?" and it was not allowed to the Minister for Health and Social Services. It was subsequently transferred to the Minister for Social Security, and the answer was there was not much of a concern at that time. Then, lo and behold, here we have it now, the department is in the newspaper talking about the concerns in those areas. Now, one Minister has told me there is no concern about the number of drugs they are issuing, and they are also stating in answers to the States Assembly - Members can read the Hansard - that those individuals would have to pay for those medicines and those procedures out of their own pocket. Then, 2 or 3 months down the road we are seeing another answer from another Minister. So, absolutely, it is time to start having evidence in these areas and stop relying upon the media.

5.2.6 The Connétable of St. Brelade:

Given the candidate's personal concerns over smells and health effects allegedly emanating from composting activities at La Collette, how would he approach this subject from a corporate point of view?

Deputy P.V.F. Le Claire:

I think that my personal views on this issue have made it too much of a personal issue, and I am too close to the issue to see clearly on it. I do have strong political views and I have issued a report to States Members about the solutions. Those have been accepted by the Minister himself in his speech that an enclosed vessel composting plant is the answer. I believe the answers and the evidence for the answers are all within his department. It is only the action that is missing. If there needs to be a review of that issue from a health perspective, I would delegate to another Member and keep myself out of that because I think it is just too close an issue from a personal political perspective.

5.2.7 Deputy T.A. Vallois of St. Saviour:

The candidate mentioned the public involvement with the Scrutiny Panel. However, there are many of the public who are unaware that they can be involved. How would the candidate engage a broader public involvement?

Deputy P.V.F. Le Claire:

The first thing I would do if I was successful in being appointed to the panel would be to seek to have somebody take charge of the way the panel communicates from a media perspective and to task that person to work with the media and develop a good relationship that informs the public

about where and when and how to report these things and give them the confidence that they do so without any fear of persecution. Many times when we consult we have already got the answers but we are looking for a personal spin on it. I think it is more important to make people aware of the fact that we are engaging openly and honestly and make that opportunity for them in a place and at a time that is accessible.

5.2.8 Deputy R.G. Le Hérisier:

Would the candidate inform the House after his period on the Environment Scrutiny Panel what lessons he has learnt from that panel about the workings of Scrutiny and how would he take those lessons forward?

Deputy P.V.F. Le Claire:

Can I pass on that one? **[Laughter]** I think the thing I have learnt is that you can lead a horse to water but you cannot make it think. **[Laughter]** In particular, when we held a very robust display for Members to see the alternatives that were available in contrast to the incinerator I was particularly disappointed by the engagement of Members. There were only 4 other Members who turned up apart from the panel. We thought there was a projected saving of something like £35 million to as high as £75 million. Where I think I have learnt that we went wrong is that perhaps we focused too much on the technical and not enough on the personal. It is very important, I think, in these reviews to engage with Members in small groups and in personal ways that we take them along with us so that they understand the issues and they are not beaten by the spin.

5.2.9 The Deputy of St. John:

Could the candidate give Members his views on his panel, if elected, meeting in camera?

Deputy P.V.F. Le Claire:

I am a great believer in the fact that the States should meet less in camera but there are some issues, particularly to do with confidentiality and patient care, names, maybe perhaps complaints, that one cannot do in public. So there are going to be times when things do need to be in camera but that does not mean to say the whole item has to be in camera. You could have a general announcement about the item and exclude the actual relevant information that points to the individual or the costs or the services. I do not think it is right that we have 2 or 3 items on a Part A agenda and 23 items on a Part B agenda.

5.2.10 The Deputy of Trinity:

With *New Directions* being a huge piece of work, how will the candidate go about scrutinising it?

Deputy P.V.F. Le Claire:

I think the problem with *New Directions* is that it is heading off in many different directions. This time I am not certain that we fully appreciate which direction it is heading off in. I have spoken briefly with the Minister in relation to the expenditure that has been set aside, and it has been tasked to many different Ministries in many different ways to take over important issues such as transportation, for example, and accommodation. Those all need to be considered in the round, but what I thought - and I probably was a little bit naïve in thinking - that *New Directions* was about was to bring together a more modern form of social care for people in Jersey. I think perhaps if we review that, take on board Members' views and concerns, we will find that that is probably what has happened. Hand on heart, I have not taken as much interest in this particular issue, looking at the incinerator in the past, that I would have and should have done perhaps had I been in this position looking for the chairmanship of such a panel. I think the first thing I would do is seek to sit down with the 3 Ministers in charge and look at that and how it affects their budgets and how it affects the way forward.

5.2.11 Deputy A.E. Jeune:

Could the Deputy let us know how he would deal with situations like when looking at funding for long-term care for the elderly, similar to that of Guernsey, the previous Scrutiny Panel held an evening to engage the public that very few people attended. This is probably due to carers, who are those most involved, not being able to attend such a meeting. How would he deal with getting on board these people, these carers, so that they can express their views?

Deputy P.V.F. Le Claire:

Thank you very much for that question. It was stated in one of the reviews I was reading that a lack of response by the public did not mean to say that they were not interested, it just meant to say that there was no response. I do not think it is good enough to just have glib comments like that. I think if the mountain will not come to Mohammed then Mohammed must go to the mountain. If there are opportunities to engage those people in and around their workplaces, then we should be. We should be going to them and engaging with them individually if necessary to take on board their views. I believe, from my personal experience, a lot of people are a little reluctant to let their views be known in front of their managers. Somehow, there must be a new form of trust developed and an important part of that is a whistle-blowing procedure whereby you can go into these places that provide long-term care and speak to the carers and ask them what their views are. So, make sure that you engage with the carers, not just their management. I do not believe I managed to satisfy the Deputy, so maybe she could ...

The Bailiff:

Yes, there is no one else with a question at the moment, so Deputy Jeune again.

Deputy A.E. Jeune:

I am thinking of the carer who is at home with the individual, not establishments.

Deputy P.V.F. Le Claire:

I beg your pardon, I misunderstood the question. I do understand the issue because I have had people that have been at home and they have had to look after those that need special care and attention. I have also recently had some friends who have had to leave the Island because they could not get the respite care that they needed as well in those circumstances. So, there needs to be a lot more done for people, a lot more support. I think the respite situation needs to be examined thoroughly. I think we need to go into the homes and meet with the carers themselves and understand their issues, because I know from a personal family perspective, through my wife's side of the family having had somebody who was bedridden for 30 years at a young age until they died, it is a very demanding thing upon a family. Without any support whatsoever, as they experienced, it had a huge strain upon the family. I think we need to make sure that that is not repeated in this Island.

5.2.12 Deputy G.P. Southern:

While no one would question the Deputy's concern and care for the less well off and the disadvantaged in our society, I have to ask whether the candidate has the organisational abilities to run a major Scrutiny Panel as such. What evidence would the candidate give to me to prove his organisational abilities?

Deputy P.V.F. Le Claire:

I would not particularly offer the Deputy any particular evidence myself to satisfy his curiosity about my organisational abilities. I would merely question why he puts that question to me today when not so long ago he asked me whether or not I wanted to be in charge of the J.D.A. (Jersey Democratic Alliance). [Approbation] [Laughter]

Deputy G.P. Southern:

In the absence of further questions, Sir?

The Bailiff:

Deputy Le Hérissier.

5.2.13 Deputy R.G. Le Hérissier:

Let there be peace, let there be peace. In terms of the relationships with so-called partner Ministries, different arrangements have evolved. In terms of Housing, there was quite a considerable tension which now seems to have been resolved by a remarkable *rapprochement* between Deputy Power and Senator Le Main. There was considerable tension in studying the Home Buy and the States sell-off policy, the feeling being it was not the role of Scrutiny to get too close to a Minister or Ministry. How would the candidate handle the protocol involved in working with a Ministry where a Minister seeks to have fairly ongoing advice and dialogue with a Scrutiny Panel? [Interruption]

Deputy P.V.F. Le Claire:

How long do I have, Sir?

The Bailiff:

Three minutes, Deputy, although not for this answer. [Laughter]

Deputy P.V.F. Le Claire:

I am sure that Members would all join with me in extending our sympathies to Deputy Power at this time, but I think that I would in mentioning his name today do so particularly because I think that he has managed to demonstrate how it is possible to work within the Executive but without being captured by it. I think that is important. Hats off to Senator Breckon because he did empower, and has empowered and delegated. His sub-panel for Social Housing in the Property Plan in particular was an excellent piece of work, and I think that that way of working is something that should be emulated. So, I would talk with him and also the good Deputy here, who I am sure could school me on some of those issues.

5.2.14 Deputy T.M. Pitman:

As a member of the public - I think if I mention things like the dual Bailiff role and the voting at 16 - I think the Deputy has a bit of a reputation for rarely finishing what he starts. How could he justify and convince me that he would manage to finish this if he was elected?

Deputy P.V.F. Le Claire:

Unfortunately, everything that is done in public does not necessarily mean that it takes into account what is done in the Chamber and is sometimes taken out of context. Some of the issues in particular with regard to what is better for Jersey in the long term are sometimes taken out of context; issues, for example, such as the Bailiff's dual role. When the issue became personal I did not want to engage or continue to engage with that. Unfortunately, it became personal. I believe issues should be conducted and returned to if one can do it impartially and without becoming personal. Unfortunately, too many of the latest emergers - and I am not referring this to the Deputy - in political commentary have sometimes rushed into commentating before understanding or speaking with the Members that they choose to commentate about.

Deputy G.P. Southern:

In the light of the most recent statement, I have to ask whether the candidate can identify between fact and fiction.

The Bailiff:

Are there any other questions? Deputy Martin.

5.2.15 Deputy J.A. Martin:

It was just asked by Deputy Jeune whether and how the candidate, if elected, would engage with carers. Does the candidate not recognise that there has just been published a very big report done on long-term care of the elderly by Scrutiny and it is about time now that that is passed on and acted upon by the Ministry, and it is not for him... **[Interruption]**

The Bailiff:

Very well. Sorry, Deputy, I am afraid that will have to go unanswered. I invite Senator Breckon to return to the Chamber and then ask that ballot papers be handed out. Very well, I ask the Attorney General and the Viscount's Officer to count the ballots. The only other outstanding matter is the appointment of the Chairman of the Jersey Overseas Aid Commission where the procedure is very different to that which we have followed. It will simply be a question of nominations and then moving straight to a ballot or ballots if required. So, I suggest we adjourn briefly until the result of the current ballot is known. I would ask Members not to go too far.

ADJOURNMENT

The Bailiff:

I am now in a position to give the result of the ballot for the Chairman of the Health, Social Security and Housing Scrutiny Panel. The votes were as follows: Senator Breckon, 33 votes; Deputy Le Claire, 17 votes. I declare that Senator Breckon is elected as Chairman. **[Approbation]**

Appointment of Chairman of the Jersey Overseas Aid Commission:

6. Nominations - The Deputy of St. Martin, Deputy I.J. Gorst, Deputy P.V.F. Le Claire, The Deputy of St. Mary

The Bailiff:

That brings us then to the Chairman of the Jersey Overseas Aid Commission. I invite nominations.

Senator B.E. Shenton:

I would like to propose the very experienced Deputy of St. Martin.

The Bailiff:

The Deputy of St. Martin. Is that seconded? **[Seconded]**

The Deputy of St. John:

I would like to propose Deputy Ian Gorst.

The Bailiff:

Is that seconded? **[Seconded]** Are there any other nominations?

The Connétable of St. Helier:

I would like to propose Deputy Le Claire.

The Bailiff:

Is that seconded? **[Seconded]** Are there any other nominations?

Deputy M.R. Higgins:

I would like to nominate Deputy Wimberley.

The Bailiff:

Is that seconded? **[Seconded]** Are there any other nominations? Very well. We have 4 nominations, so the procedure will be that we will move straight to a ballot. The person with the

lowest number of votes will fall away, and then there will be a re-ballot in the usual way until we have somebody getting an absolute majority. Would ballot papers please be handed out? Candidates should write on the ballot obviously the name of the candidate of their choice. I remind Members it is the Deputy of St. Martin, Deputy Gorst, Deputy Le Claire and the Deputy of St. Mary. Would you collect up the ballot papers, please? I request the Attorney General and the Viscount's Officer to act as scrutineers. Again, for convenience, perhaps we will adjourn very briefly.

ADJOURNMENT

The Bailiff:

I am now in a position to give the results for the Chairman of the Jersey Overseas Aid Commission. The votes cast were as follows: Deputy Gorst, 25; Deputy of St. Mary, 11; Deputy of St. Martin, 8; and Deputy Le Claire, 5. That means that, in fact, Deputy Gorst has achieved an absolute majority and, therefore, I declare him elected as Chairman. **[Approbation]**

Deputy I.J. Gorst:

Perhaps this is a panel which is quite difficult to find States Members for, so could I just ask any States Member who would be interested in joining, as I have to propose tomorrow, to send me a short email overnight outlining their experience so that I can consider it and discuss it with them.

The Bailiff:

That completes matters for today. The Assembly will now close and sit again at 9.30 a.m. tomorrow morning.

ADJOURNMENT